

**AGENDA**  
**CITY COUNCIL**  
**Tuesday, January 21, 2020**  
**9:00 AM**

The regular meeting of the City Council will be held on January 21, 2020 at 9:00 AM in the City  
Council Chambers  
455 N. Main Street, Wichita, KS 67202.

**OPENING OF REGULAR MEETING**

**Call to Order**

**Invocation and Pledge of Allegiance**

**Approve the minutes of regular meeting of January 14, 2020**

**PROCLAMATION:**

National Day of Racial Healing.

**I. PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a “first-come, first-served” basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city clerk prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda.

Rules of decorum as provided in this code will be observed.

1. Howard C. Hutchison, Jr. - Vet-To-Vet Support Command.

**II. CONSENT AGENDA ITEMS 1 THROUGH 10**

NOTICE: Items listed under the “Consent Agendas” will be enacted by one motion with no separate discussion. If discussion on an item is desired, the item will be removed from the “Consent Agendas” and considered separately (The Council will be considering the City Council Consent Agenda as well as the Planning, Housing, and Airport Consent Agendas. Please see “ATTACHMENT 1 – CONSENT AGENDA ITEMS” for a listing of all Consent Agenda Items.

**COUNCIL BUSINESS**

**III. BOARD OF BIDS AND CONTRACTS - NONE DUE TO HOLIDAY**

**IV. UNFINISHED COUNCIL BUSINESS**

1. Economic Development Grant to Passageways.  
(Deferred January 7, 2020)

RECOMMENDED ACTION: Defer the grant consideration until the February 4, 2020 Council Meeting.

[Agenda Report No. IV-1.doc](#)

**V. NEW COUNCIL BUSINESS**

1. Public Hearing and Request for a Letter of Intent to Issue Industrial Revenue Bonds, MWCB, LLC / NetApp, Inc. (District I)

RECOMMENDED ACTION: Close the public hearing, adopt the Resolution of Intent and authorize the necessary signatures.

[Agenda Report No. V-1.docx](#)

[MWCB - NetApp IRB Application.pdf](#)

[Resolution No. 20-019](#)

2. Petition to Amend the Multi-Sport Stadium Community Improvement District.  
(Districts IV and I)

RECOMMENDED ACTION: Accept the petition and adopt the resolution setting a public hearing for February 11, 2020 and authorize the necessary signatures.

[Agenda Report No. V-2.docx](#)

[CID Stadium Amending Petition](#)

[Resolution No. 20-018](#)

3. 2020 Traffic Signalization Program.

RECOMMENDED ACTION: Approve the revised budget, adopt the resolution and authorize the necessary signatures.

[Agenda Report No. V-3.doc](#)

[Resolution No. 20-006](#)

4. Sidewalk Maintenance Program.

RECOMMENDED ACTION: Approve the budget, adopt the resolution and authorize the necessary signatures.

[Agenda Report No. V-4.doc](#)

[Resolution 20-007](#)

5. Wholesale Sanitary Sewage Treatment Services with Oaklawn Improvement District.

RECOMMENDED ACTION: Approve the Wholesale Sanitary Sewage Treatment Agreement with the Oaklawn Improvement District and authorize the necessary signatures.

[Agenda Report No. V-5.doc](#)  
[Agreement](#)

6. 2020 Railroad Crossing Improvements.

RECOMMENDED ACTION: Approve the budget, adopt the resolution and authorize the necessary signatures.

[Agenda Report No. V-6.doc](#)  
[Resolution 20-008](#)

7. HOME Program Funding; Wichita Housing Authority Rental Assistance Demonstration Project.

RECOMMENDED ACTION: Approve issuance of a conditional commitment letter for HOME Investment Partnerships Program financing in the amount of \$1,113,950 for the Wichita Housing Authority's Rental Assistance Demonstration Project and authorize the necessary signatures.

[Agenda Report No. V-7.doc](#)  
[Commitment Letter for HOME Funds; KBK, vII.doc](#)

## **COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

### **PLANNING AGENDA**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

### **VI. NON-CONSENT PLANNING AGENDA**

1 CON2019-00034 – Conditional Use Amendment to CON2004-00030 to Expand Area for Vehicle Sales on Property Zoned Limited Commercial (LC), Generally Located on the East Side of South Broadway Avenue and Within One-Quarter Mile South of East Harry, 1728 South Broadway. (District III)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the conditional use amendment subject to the recommended conditions of approval (four out of seven votes required) or 2) deny the conditional use request by making alternative findings and override the MAPC recommendation (five out of seven votes required).

[Agenda Report No. VI-1.docx](#)  
[Site Plan.JPG](#)  
[CON2019-00034 DAB Minutes.pdf](#)  
[Excerpt Minutes of the October 10,2019 MAPC.docx](#)  
[Excerpt Minutes of the December 19,2019 MAPC.docx](#)  
[Resolution No. 20-016](#)

## **HOUSING AGENDA**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion. Arvin Marlowe, Housing Member is also seated with the City Council.

## **VII. NON-CONSENT HOUSING AGENDA - NONE**

## **AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

## **VIII. NON-CONSENT AIRPORT AGENDA - NONE**

## **COUNCIL AGENDA**

## **IX. COUNCIL MEMBER AGENDA**

1. Approval of travel for Mayor Whipple and all Council Members to attend the events for Local Government Day, Topeka, Kansas, January 22, 2020.

RECOMMENDED ACTION: Approve the travel expenses.

## **X. COUNCIL MEMBER APPOINTMENTS AND COMMENTS**

1. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

## **Adjournment**

## **ATTACHMENT 1 - CONSENT AGENDA ITEMS 1 THROUGH 10**

## **II. CITY COUNCIL CONSENT AGENDA ITEMS**



**1. Applications for Licenses for Cereal Malt Beverages:**

a. Applications for Licenses to Retail Cereal Malt Beverages:

RECOMMENDED ACTION: Approve licenses subject to staff review and approval.  
[CMBS FOR JAN 21.docx](#)

**2. Petitions for Public Improvements:**

a. Petition for Improvements to Serve Northgate 3rd Addition. (District VI)

RECOMMENDED ACTION: Approve the petition and budget, adopt the resolution, and authorize the necessary signatures.  
[Agenda Report No. II-2a.doc](#)  
[Northgate.pdf](#)  
[Resolution 20-009](#)

b. Petitions for Improvements to Serve Casa Bella 2nd Addition. (District II)

RECOMMENDED ACTION: Approve the petitions and budgets, adopt the resolutions, and authorize the necessary signatures.  
[Agenda Report No. II-2b.doc](#)  
[Supporting Documents](#)  
[Resolution 20-010 022468.docx](#)  
[Resolution 20-011 022469.docx](#)  
[Resolution 20-012 085589.docx](#)

c. Petitions for Improvements to Serve Chalet Ridge Addition. (District II)

RECOMMENDED ACTION: Approve the petitions and budgets, adopt the resolutions, and authorize the necessary signatures.  
[Agenda Report No. II-2c.doc](#)  
[Supporting Documents](#)  
[Resolution 20-013 025026.docx](#)  
[Resolution 20-014 025028.docx](#)  
[Resolution 20-015 085590.docx](#)

**3. Change Orders:**

a. Change Order No. 3 for Improvements to Stryker Sports Phase 4 – Indoor Facility and Stadium. (District II)

RECOMMENDED ACTION: Approve Change Order No. 3 and authorize the necessary signatures.  
[Agenda Report No. II-3a.docx](#)

[Change Order.docx](#)

**Uncategorized Items:**

- 4      Nuisance Abatement Assessments, Lot Clean-Up. (Districts I, III, IV, V and VI)

RECOMMENDED ACTION: Approve the proposed assessments, place the ordinance on first reading and authorize the necessary signatures.

[Agenda Report No. II-4.docx](#)

[Ordinance 51-180 and Property List](#)

- 5      Payment of Condemnation Award, Appraisers Fees and Court Costs in Condemnation Matter to Acquire Property for the improvement of 13th Street North from 119th Street West to 135th Street West. (District V)

RECOMMENDED ACTION: Authorize payment to the Clerk of the District Court in the amount of \$81,147 for acquisition of property and easements condemned in the subject case.

[Agenda Report No. II-5.doc](#)

[Report of Appraisers.pdf](#)

[Order Approving Report of Appraisers.pdf](#)

[Statement of Appraisers Fees and Expenses.pdf](#)

[Agenda Report No. II-5.doc](#)

- 6      2020 Drug Enforcement Administration (DEA) State and Local Task Force.

RECOMMENDED ACTION: Approve continued annual participation in DEA State and Local Task Forces and approve the budget for the fiscal year beginning October 1, 2019.

[Agenda Report No. II-6.docx](#)

- 7      2020 Victims of Crime Act (VOCA) Grant.

RECOMMENDED ACTION: Approve the 2020 VOCA award and authorize the necessary signatures.

[Agenda Report No. II-7.doc](#)

[2020 VOCA Grant Assurances.pdf](#)

- 8      Order of Succession Resolution.

RECOMMENDED ACTION: Adopt the resolution and authorize the necessary signatures.

[Order of Succession Resolution No. 20-017.docx](#)

**9. Second Reading Ordinances:**

- a. Second Reading Ordinances. (first read January 14, 2020)

RECOMMENDED ACTION: Adopt the ordinances.

[List of Second Reading Ordinances 01-21-2020.docx](#)

**II. CONSENT PLANNING AGENDA ITEMS**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

10. ZON2019-00048 with CUP2019-00040 - City Zone Change from SF-5 Single-Family Residential to LC Limited Commercial and Creation of New Trinity Academy Community Unit Plan (DP-352) Located on the South Side of East 21st Street North and West of North 127th Street East. (District II)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the requested zone change and the creation of the new CUP, place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading (requires four of seven votes).

[Agenda Report No. II-10.docx](#)

[CUP Trinity Academy DP-352 General Provisions - Approved by MAPC.pdf](#)

[Trinity Academy CUP Drawing - Original Proposed.pdf](#)

[ZON2019-48 & CUP2019-40 MAPC excerpt minutes December 19, 2019.docx](#)

[Ordinance 51-181](#)

**II. CONSENT HOUSING AGENDA ITEMS - NONE**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion. Arvin Marlowe, Housing Member is also seated with the City Council.

**II. CONSENT AIRPORT AGENDA ITEMS - NONE**

NOTICE: The City Council is meeting as the governing body of the Airport Authority for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Economic Development Grant to Passageways

**INITIATED BY:** Office of Economic Development

**AGENDA:** Unfinished Business

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**Recommendation:** Staff recommends deferring the economic development grant for Passageways until February 4, 2020.

**Background:** Most homeless veterans face complex issues such as a lack of affordable housing, poverty, job or income loss or substance abuse. Some may also face issues such as PTSD.

Passageways was founded in Wichita to assist homeless veterans with housing, meals, support and services at no cost to the veteran. Passageways has developed a bold initiative to help more homeless veterans and is asking for the City's support.

**Analysis:** Susan Moellinger and her daughter, Jennifer Garrison, founded Passageways to provide a housing option, a supportive environment and needed services to homeless veterans.

Passageways currently has the capacity to assist up to nine male veterans at a time. It provides them with a semi-private room, meals, and internet and support services at no cost to the veterans. The residents may stay as long as needed. In four years, Passageways has graduated 80 previously homeless men who have completed its program and moved into their own housing.

Passageways intends to serve homeless female veterans, as well as families, and has developed a plan to do so. Named Homefront Veterans Neighborhood, Passageways has identified land near I-235 and Seneca and plans a "campus style housing project."

Plans include building at least 30 cottages ranging from 500 - 750 square feet that include a kitchen bedroom(s), a bathroom, stackable laundry system and heating and air conditioning. In addition, the campus will include playgrounds, animal park and gardens. The neighborhood will also house a resource center, a community center, a chapel and storage. The resource center will house staff, as well as space for community partners to provide services to the residents.

To date, Passageways has raised \$1,400,000 to support Homefront Veterans Neighborhood, along with commitments from area organizations such as Goebel Family Star Lumber Charity Foundation that plans to provide building materials for the construction of the homes. The Wichita Area Builders Association is providing labor and Waste Connections has agreed to provide no-cost trash service. These are among just a few of the organizations currently committed.

The grant request from Passageways would be used to develop the mental health component of the resource center. This will include offices and treatment spaces in the neighborhood where case managers can assist the residents with personal as well as mental health goals.

City staff is working with WSU's Center for Economic Development and Business Research (CEDBR) to conduct an opportunity to cost analysis based on new jobs, average wage of new employees,

Passageway's capital investment, and the opportunity value from reduced homeless veterans' demands for public housing, health and additional needed services.

**Financial Considerations:** No financial impact for deferring the item until January 21, 2020.

**Legal Considerations:** No legal considerations.

**Recommendations/Actions:** It is recommended that the City Council defer the grant consideration until the February 4, 2020 Council meeting.

**Attachments:** Passageways Request Letter

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Request for a Letter of Intent to issue Industrial Revenue Bonds (MWCB, LLC / NetApp, Inc.) (District I)

**INITIATED BY:** Office of Economic Development

**AGENDA:** New Business

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**Recommendation:** Close the public hearing, adopt the Resolution of Intent and authorize the necessary signatures.

**Background:** The City has received an application for a Letter of Intent to issue Industrial Revenue Bonds (IRBs) for MWCB, LLC (MWCB) in the amount not-to-exceed \$33,000,000 to finance the construction of a 168,000 square-foot facility located at the northwest corner of 17<sup>th</sup> Street North and Oliver, on the Wichita State University's Innovation Campus. MWCB intends to sublease the facility to NetApp, Inc. (NetApp). In addition to the investment in the facility expansion, NetApp intends to invest approximately \$17,000,000 to equip the project and complete tenant improvements. The equipment is not financed with bond proceeds.

MWCB is requesting the issuance of a letter of intent for IRBs in an amount not to exceed \$33,000,000. MWCB is also requesting a sales tax exemption on items purchased for the project and a 100% five-year tax exemption on the IRB-financed real property improvements plus a second five-year exemption subject to City Council approval.

**Analysis:** NetApp, Inc. was formed in 1992. NetApp is one of the fastest growing global cloud management and data storage providers in the world, with its headquarters located in Sunnyvale, California. NetApp creates efficient and flexible storage and data management hardware and software solutions.

Bond proceeds will be used to build a 168,000 square-foot facility. In addition to that capital investment, NetApp estimates it will invest an additional \$17,000,000 to equip the facility as well as for additional tenant improvements.

Current employment at Wichita NetApp is 628 (500 direct employees, 128 contract employees). Due to the 2020 expansion, NetApp projects it will hire at least 70 new employees over ten years, 45 in the first five years, with an average wage and benefits package in excess of \$100,000.

NetApp is moving to the Innovation Campus at Wichita State University (WSU) to more closely develop its research and development relationship with the engineering school at WSU. Approximately one third of the workforce at NetApp are WSU graduates. NetApp is also looking to continue to develop its workforce through WSU.

As part of this transaction, MWCB will acquire the existing NetApp facility at 37<sup>th</sup> and Rock Road with the intent to redevelop the property.

**Financial Considerations:** MWCB will purchase and hold the bonds and agrees to pay all costs of the City relative to the issuance of the bonds. The company also agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

Based on the Economic Development Incentive Policy, the Company qualifies for a 100% five-plus-five-year tax exemption on real property constructed with bond proceeds.

Based on the latest available mill levy, and assuming that the real property improvements are valued at 80% of the actual capital investment, the estimated value of the property tax abatement for the first full year is approximately \$773,604. The value of a 100% real property tax exemption as applicable to the taxing jurisdictions is:

City	\$ 215,767	State	\$ 9,900
County	\$ 193,927	USD 259	\$ 354,010

The project will also qualify for a sales tax exemption on bond-financed purchases.

A benefit/cost analysis was performed by Wichita State University's Center for Economic Development and Business Research based upon the proposed Letter of Intent, with the following ratio of benefits to costs:

City of Wichita	1.18 to 1.00
City General Fund	1.10 to 1.00
City Debt Service	1.37 to 1.00
Sedgwick County	1.11 to 1.00
USD 259	1.34 to 1.00
State of Kansas	5.08 to 1.00

**Legal Considerations:** Bond documents required for the issuance of the bonds will be prepared by the City's outside bond counsel, Gilmore & Bell, P.C. The City's Law Department will review and approve the final form of bond documents prior to the issuance of any bonds.

**Recommendations/Actions:** It is recommended that the City Council close the public hearing, adopt the Resolution of Intent and authorize the necessary signatures.

**Attachments:** Letter of Intent Request, Resolution of Intent

Industrial Revenue Bond Application

MWCB, LLC (Tenant)

NetApp, Inc. (Sub-Tenant)

City of Wichita, Kansas

Industrial Revenue Bonds (MWCB, LLC)

In the amount of \$33,000,000

January 9, 2020



January 9, 2020

Mayor Whipple and City Council Members  
City of Wichita, City Hall  
455 N. Main  
Wichita,  
Kansas  
67202

Re: Request for \$33,000,000 of Industrial Revenue Bonds

Dear Mayor Whipple and Members of the Council:

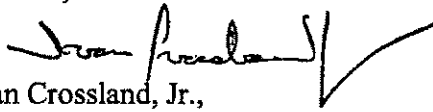
We are writing to request your support for the issuance of \$33,000,000 of the City of Wichita, Kansas, Taxable Industrial Revenue Bonds (the "Bonds"). We will use the Bonds to finance the construction of a building consisting of approximately 168,000 square feet of space (the "Project") which will be leased to NetApp, Inc., a Delaware corporation ("NetApp"). The Project will be used by NetApp, Inc., as a state-of-the-art technology related research and office facility. The Project will be located on the Wichita State University Innovation Campus as shown on the preliminary site plan enclosed herewith.

The issuance of Bonds and the receipt of the economic incentives available in connection therewith are critical in order to allow MWCB, LLC (or its affiliated company) to proceed with the construction of the Project. We are excited about the Project and are confident the Project will have a positive economic impact on the City of Wichita and the surrounding area. The Project will incorporate modern construction design and materials to accommodate the high technology use of the Project and to increase energy and workplace efficiencies.

We will be available for any questions you may have regarding our request and look forward to working with you. Thank you in advance for your time and consideration. Hopefully you will agree that the Project will be very beneficial to the City of Wichita, Kansas.

Regards,

MWCB, LLC

  
Ivan Crossland, Jr.,  
Managing Member

## REQUEST FOR CITY OF WICHITA, KANSAS, INDUSTRIAL REVENUE BONDS

### 1. Name and address of Tenant and Sub-Tenant:

#### Tenant:

MWCB, LLC, a Kansas limited liability company

150 N. Market

Wichita, KS 67202

Telephone: (316) 262-6400

Attention: Ivan Crossland, Jr., Managing Member and Steve Barrett, Managing Member

#### Sub-Tenant:

NetApp, Inc., a Delaware corporation

1395 Crossman Ave.

Sunnyvale, Ca. 94089

Telephone: (408) 822-6000

Attention: Kathy Tyra, Vice President, Workplace Resources and Real Estate

### 2. General description of the business of Tenant and Sub-Tenant:

MWCB, LLC is a Kansas limited liability company that functions primarily as a real estate development company (herein "MWCB" or "Tenant"). MWCB and its affiliated companies have previously constructed several projects located on the Wichita State University Innovation Campus. The prior projects include the Law Enforcement Training Center (59,335 square feet), Partnership Building 1 (Airbus, 90,000 square feet), Partnership Building 2 (Spirit and Textron, 46,775 square feet), The Flats (225,000 square feet plus a 45,000 square foot parking garage), The Suites (96,676 square feet), Braeburn Square (21,088 square feet), Hyatt Place (64,290 square feet), Starbucks (2,017 square feet) and newly constructed Partnership 3 Building (54,993 square feet). The managing members of MWCB are Ivan Crossland, Jr. and Steven R. Barrett, both of whom have a successful history of constructing, developing and operating projects such as this one. The Bonds will be purchased by the MWCB or a financial institution that is familiar with MWCB and its members.

NetApp, Inc., is a Delaware corporation that is publicly traded on NASDAQ under the abbreviation "NTAP". NetApp, Inc. is a cloud data services and data management company headquartered in Sunnyvale, California. It has ranked in the Fortune 500 since 2012. Founded in 1992 with an IPO in 1995, NetApp offers hybrid cloud data services for management of applications and data across cloud and on-premises environments. Enclosed herein is a general description NetApp and of the type of products and services it provides.

### 3. A general description of the Project and its specific location(s):

The Project will consist of an approximate 168,000 square foot state-of-the art research and office facility located near the northeast corner of 17<sup>th</sup> Street North and Innovation

Boulevard, on the Wichita State University campus. A preliminary site plan for the Project is enclosed herein. The proceeds from the Bonds will be used to finance the construction of the Project. The Project will incorporate modern construction design and materials to accommodate the high technology use of the Project and to increase energy and workplace efficiencies.

Wichita State University owns the land upon which the Project will be constructed (the "Land"). Through a series of ground leases, MWCB will lease the Land and Project to the City of Wichita in connection with the issuance of the Bonds. The City of Wichita will in turn sublease the Land and Project back to MWCB and MWCB will then sublease the Land and Project to NetApp.

4. A statement of the projected benefits to the City of Wichita:

NetApp employs about 500 full time employees and 128 contractors at its current facilities located in Northeast Wichita. NetApp anticipates employing approximately 80-90 Wichita State University students throughout any given year. The Project will allow NetApp to remain and expand its presence in the City of Wichita. NetApp not only intends to maintain its current number of employees in the local community, it estimates that it will gradually hire an additional seventy (70) full time employees during the ten (10) year life of the Bonds. The estimated average annual salary and benefit package for the additional employees is estimated to be in excess of \$100,000 per employee. The new positions will include software engineers, customer support personnel, researchers and administrative support personnel. A Cost Benefit Analysis prepared by Wichita State University (WSU) Center for Economic Development and Business Research (CEDBR) is enclosed.

5. The dollar amount and use of the Bonds requested:

The total principal amount of the Bonds being requested is \$33,000,000. The Bonds will be used for the construction of the Project and related development costs. NetApp estimates that it will invest an additional \$17,000,000 in the facility for machinery, equipment and tenant related improvements. The total estimated investment by MWCB and NetApp in the new facility is \$50,000,000. This request is the first time that MWCB and NetApp have requested industrial revenue bond financing from the City of Wichita, Kansas.

6. Name and address of Bond Counsel

Mr. Joe Norton  
Gilmore and Bell  
100 North Main Street  
Suite 800  
Wichita, KS 67202  
Phone: (316) 267-2091  
Email: jnorton@gilmorebell.com

7. Name and address of counsel for MWCB:

L. Dale Ward  
Hinkle Law Firm LLC  
1617 North Waterfront Parkway  
Suite 400, 67206  
Phone: (316) 631-3120  
Fax: (316) 630-8466  
Email: [dward@hinklaw.com](mailto:dward@hinklaw.com)

8. Name and Address of Bond Trustee:

Security Bank of Kansas City  
Corporate Trust Department  
200 W. Douglas, Suite 612  
Wichita, Kansas 67202  
Telephone: (316) 765-2844  
Attention: Bonnie Mosher, Vice President

9. Private Placement Agreement:

The Bonds will be purchased by MWCB or by a financial institution which is familiar with MWCB and its members.

10. Tax exemption:

MWCB and NetApp are asking for a sales tax exemption for the construction materials used in the Project and a 100% property tax exemption on the portion of the Project financed with the Bonds. In the event a payment-in-lieu of taxes is required by the City of Wichita, the applicants will agree to make such payments.

11. Administrative fees of the City and annual compliance:

The Tenant and Sub-Tenant will agree to make payments of the City's administrative fees of the Bonds for the life of the bond issue, and in addition, the applicants will agree to pay all costs incurred by the City relating to the issuance of Bonds regardless whether the Bonds are ultimately approved or issued. The applicants will also agree to cooperate with any annual compliance audit procedure(s) the City may adopt to monitor compliance with conditions, including any annual reports required of the applicant and any inspections of the applicant's premises or interviews with the applicant's staff.

12. Effects of the Project on the ambient air quality of the City of Wichita and Sedgwick County:

The Project is not expected to have any negative effect on the ambient air quality of the

environmental effects. MWCB and NetApp will agree to comply with the City's policies and requirements relating to environmental matters. The nature of NetApp's business is such that it does not create any environmental contamination of hazardous materials.

13. Equal Employment Opportunity:

MWCB does not have any employees. NetApp is an equal opportunity employer and it will agree to comply with all policies of the City of Wichita regarding equal employment opportunity.

14. Insurance:

The applicants agree to obtain all insurance the City may require in connection with the construction, maintenance or operation of the project, or liabilities arising out of the operation of the project.

15. Assignment:

MWCB desires the ability to assign its interest in the Letter of Intent and its interest in the Project to an affiliated company. For the purpose of this request, the term "affiliated company" means a company having substantially the same ownership and management as MWCB.

In conclusion, MWCB and NetApp are requesting that the City Council authorize the execution of the requested Letter of Intent. The applicants are aware that such Letter of Intent is only an indication of intent to issue the proposed Bonds and such Letter of Intent is subject in all respects to the governing body's final approval of the terms and provisions of a Bond Ordinance, Trust Indenture, Guaranty Agreement and other related documents. The applicants respectfully requests that such Letter of Intent be valid until December 31, 2021.

Sincerely,

MWCB, LLC

  
Ivan Crossland, Managing Member

NetApp, Inc.

  
Kathy Tyra, Vice President, Workplace Resources and Real Estate

**RESOLUTION NO. 20-019**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF STATE-OF-THE-ART TECHNOLOGY RELATED RESEARCH AND OFFICE FACILITY TO BE LOCATED IN SAID CITY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS.**

**WHEREAS**, the City of Wichita, Kansas (the "City") is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State of Kansas (the "State"); and

**WHEREAS**, the City Council (the "Governing Body") of the City desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State; and

**WHEREAS**, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the "Act"), the City is authorized to issue revenue bonds for such purposes; and

**WHEREAS**, the Governing Body determines it to be advisable and in the interest and for the welfare of the City and its inhabitants that revenue bonds of the City be authorized and issued, in one or more series, to provide funds to pay the costs of the acquisition, construction and equipping of a state-of-the-art technology related research and office facility (the "Project") to be located in the City and to be leased by the City to MWCB, LLC, or its assigns (the "Tenant") for sublease to NetApp, Inc. (the "Subtenant").

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Public Purpose.** The Governing Body hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State.

**Section 2. Authorization to Acquire Project; Intent to Issue Bonds.** The City is hereby authorized to proceed with the acquisition, construction and equipping of the Project and to issue its revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$33,000,000 (collectively, the "Bonds") to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

**Section 3. Conditions to Issuance of Bonds.** The issuance of the Bonds is subject to: (a) the Tenant's written acceptance of a Letter of Intent containing the City's conditions to the issuance of the Bonds in accordance with the City's Economic Development Incentive Policy (the "Letter of Intent"); (b) the successful negotiation and sale of the Bonds to a purchaser or purchasers to be determined by the Tenant and acceptable to the City (the "Purchaser"), which sale shall be the responsibility of the Tenant and not the City; (c) the receipt of the approving legal opinion of Gilmore & Bell, P.C. ("Bond Counsel") in form acceptable to the City, the Tenant and the Purchaser; (d) the obtaining of all necessary governmental approvals to the

issuance of the Bonds; and (e) the commitment to and payment by the Tenant or Purchaser of all expenses relating to the issuance of the Bonds, including, but not limited to: (i) expenses of the City and the City Attorney; (ii) any underwriting or placement fees and expenses; (iii) all legal fees and expenses of Bond Counsel; and (iv) all recording and filing fees, including fees of the Kansas Board of Tax Appeals.

**Section 4. Property Tax Exemption.** The Governing Body hereby determines that pursuant to the provisions of K.S.A. 79-201a the Project, to the extent purchased or constructed with the proceeds of the Bonds, should be eligible for an exemption from payment of ad valorem property taxes for a period up to ten calendar years commencing with the year following the year in which the Bonds are issued, provided proper application is made therefor; provided no exemption may be granted from the ad valorem property tax levied: (a) by a school district pursuant to the provisions of K.S.A. 72-53,113, and amendments thereto; and (b) for the uses restricted pursuant to the provisions of K.S.A. 79-201a, *Second* and *Twenty-Fourth*. The Governing Body hereby conditionally approves a 100% ad valorem property tax exemption on the Bond-financed property, for a five year term, with an additional five year term to be considered thereafter, at the discretion of the Governing Body, all subject to the Tenant's ongoing compliance with the City's Economic Development Incentive Policy. Prior to making such determination the Governing Body has conducted the public hearing and reviewed the analysis of costs and benefits of such exemption required by the Act.

**Section 5. Sales Tax Exemption.** The Governing Body hereby determines that pursuant to the provisions of K.S.A. 79-3601 *et seq.* (the "Sales Tax Act"), particularly 79-3606(b) and (d) and other applicable laws, sales of tangible personal property or services purchased in connection with construction of the Project and financed with proceeds of the Bonds are entitled to exemption from the tax imposed by the Sales Tax Act; provided proper application is made therefore. In the event that the Bonds are not issued for any reason, the Tenant will not be entitled to a sales tax exemption under the terms of the Sales Tax Act and will remit to the State Department of Revenue all sales taxes that were not paid due to reliance on the sales tax exemption certificate granted hereunder.

**Section 6. Reliance by Tenant; Limited Liability of City.** It is contemplated that in order to expedite acquisition of the Project and realization of the benefits to be derived thereby, the Tenant may incur temporary indebtedness or expend its own funds to pay costs of the Project prior to the issuance of the Bonds; provided that such expenditures incurred prior to the issuance of the Bonds are at the risk of the Tenant that the Bonds will actually be issued. Proceeds of Bonds may be used to reimburse the Tenant for such expenditures made not more than 60 days prior to the date this Resolution is adopted. The Bonds herein authorized and all interest thereon shall be paid solely from the revenues to be received by the City from the Project and not from any other fund or source. The City shall not be obligated on such Bonds in any way, except as herein set out. In the event that the Bonds are not issued, the City shall have no liability to the Tenant.

**Section 7. Execution and Delivery of Documents.** The Mayor is hereby authorized to execute the Letter of Intent, and the City Clerk is authorized to deliver executed copies of this Resolution and the Letter of Intent to the Tenant.

**Section 8. Further Action.** The Mayor, City Clerk and other officials, employees and agents of the City, including the City Attorney and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution, including, but not limited to: (a) cooperate with the Tenant in filing an application for a sales tax exemption certificate with the Kansas Department of Revenue with respect to Bond-financed property; and (b) execution on behalf of the City of the information statement regarding the proposed issuance of the Bonds to be filed with the State Board of Tax Appeals pursuant to the Act.

**Section 9. Effective Date.** This resolution shall become effective upon adoption by the Governing Body and shall remain in effect until December 31, 2021, unless extended by affirmative vote of a majority of the Governing Body.

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**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, Director of Law and  
City Attorney

**CERTIFICATE**

I hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the City Council of the City of Wichita, Kansas on January 21, 2020, as the same appears of record in my office.

DATED: January 21, 2020.

---

Karen Sublett, City Clerk

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**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS  
HELD ON JANUARY 21, 2020**

The City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”) met in regular session at the usual meeting place in the City, at 9:00 a.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Among other business, in accordance with notice published on January 13, 2020, in the *Wichita Eagle*, a public hearing was held by the Governing Body relating to the proposed issuance of not to exceed \$33,000,000 principal amount of Taxable Industrial Revenue Bonds (MWCBS, LLC Project) (the “Bonds”). All interested persons were afforded an opportunity to present their views on the issuance of the Bonds and the location and nature of the Project to be financed with the proceeds of the Bonds. Thereupon, the public hearing was closed.

Thereupon, there was presented a Resolution entitled:

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS DETERMINING THE ADVISABILITY OF ISSUING TAXABLE  
INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE  
ACQUISITION, CONSTRUCTION AND EQUIPPING OF STATE-OF-THE-ART  
TECHNOLOGY RELATED RESEARCH AND OFFICE FACILITY TO BE  
LOCATED IN SAID CITY; AND AUTHORIZING EXECUTION OF RELATED  
DOCUMENTS.**

Thereupon, Councilmember \_\_\_\_\_ moved that said Resolution be adopted. The motion was seconded by Councilmember \_\_\_\_\_. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the Governing Body, the vote being as follows:

Aye:

Nay:

Thereupon, the Resolution was then duly numbered Resolution No. 20-019, and was signed by the Mayor and attested by the Clerk.

(Other Proceedings)

\* \* \* \* \*

### **CERTIFICATE**

I certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the City Council of the City of Wichita, Kansas held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

[SEAL]

---

Karen Sublett, City Clerk

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Petition to Amend the Multi-Sport Stadium Community Improvement District (Districts IV and I)

**INITIATED BY:** Office of Economic Development

**AGENDA:** New Business

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**Recommendation:** Accept the petition and adopt the resolution setting a public hearing for consideration of the boundary amendment for the Community Improvement District (CID).

**Background:** On December 20, 2016, the City amended the River District STAR Bond Project Plan to request STAR Bond funds for improvements to Lawrence Dumont Stadium (the “Stadium”) and the West Bank of the Arkansas River. On July 18, 2017 the City Council adopted a Tax Increment (TIF) project plan to fund additional improvements related to the stadium project. On January 7, 2020 the City Council established the Multi-Sport Stadium CID (the “Stadium CID”) to fund improvements around the stadium as well as river corridor improvements on both sides of the Arkansas River. On January 7, 2020, the City Council also approved a Development Agreement with Riverfront Partners LLC (the “DA”) relating to property immediately north of the Stadium. The DA requires that the developer submit a petition to include the property associated therewith (the “Development Site”) to become a part of the Stadium CID.

The City has received a petition signed by Riverfront Partners LLC, the current owner of the Development Site and the City to add the Development Site and certain recently City acquired land on the west side of Sycamore to the Stadium CID. The petition also requests removal of certain City-owned property that was inadvertently included in the Stadium CID. The petition also requests that the uses of CID revenues be expanded to include uses contemplated by the DA to be made on the Development Site, costs for additional parking and costs that may be associated with for potential development on the east side of the Arkansas River that is within the Stadium CID.

The CID petition is signed by 100% of the owners of the land currently within the Stadium CID as well as the land proposed to be added and removed.

**Analysis:** The expanded boundaries will permit the collection of additional CID revenues and the application thereof to development opportunities as well as the design and construction of the Stadium, utilities, parking, and other improvements related to the Stadium and river corridor improvements. The expansion further permits the use of funds to support the construction of public auditoriums and convention centers.

To establish a CID or modify its boundaries and application of CID revenues, the City Council must first adopt a resolution stating its intent to consider the modifications to the CID and setting a date for a public hearing on the matter. The resolution must then be published at least once each week for two consecutive weeks and be sent by certified mail to all owners and by regular mail to all occupants of property within the CID and property to be added thereto. Given this process, the earliest date a public hearing may be held for this project would be February 11, 2020. After closing the public hearing, the City Council may pass an ordinance modifying the boundaries of the district and application of funds derived therefrom.

**Financial Considerations:** The cost of mailing the resolution to all owners and occupants of property located within the CID will be charged to the Economic Development Fund and will be repaid with administrative fees collected from the CID.

The City anticipates issuing up to \$13,000,000 in bonds, based on a pledge of CID revenue. Any additional CID revenue above the amount necessary to satisfy bond payments may be utilized for payment of eligible expenses within the CID on a pay-as-you-go basis.

**Legal Considerations:** State law allows CID's to be amended by Ordinance following a public hearing. The petition and resolution have been approved by the Law Department as to form.

**Recommendation/Action:** It is recommended that the City Council accept the petition and adopt the resolution setting a public hearing for February 11, 2020 and authorize the necessary signatures.

**Attachments:** Resolution and Petition

**AMENDING PETITION RELATING TO THE  
MULTI-SPORT STADIUM COMMUNITY IMPROVEMENT DISTRICT**

**TO:** The Governing Body,  
City of Wichita, Kansas

The undersigned, being the owners of record of not less than one hundred percent (100%) of all land and all of the assessed value within the hereinafter described community improvement district and the land proposed to be added thereto and removed therefrom, hereby petition the City of Wichita, Kansas (the “**City**”), to expand the project to be financed by the community improvement district and to modify the boundaries of such community improvement district by the addition of certain property thereto and the removal of certain property therefrom as hereinafter set forth, all in the manner provided by K.S.A § 12-6a26, *et seq.* (the “**Act**”). In furtherance of such request, the petitioners state as follows:

**1. DISTRICT CREATION**

On January 7, 2020, the City Council (the “Governing Body”) of the City passed Ordinance No. 51-167, which established the Multi-Sport Stadium Community Improvement District (the “**District**”), authorized the making of certain improvements within the District consisting of the development and redevelopment of certain real property and the surrounding property to consist of a major multisport complex and related appurtenances and facilities (the “**Stadium Project**”) and adjacent commercial, retail, residential and parking structures and facilities (collectively with the Stadium Project, the “**Original Project**”) and the imposition of 2% CID Sales Tax within the District for a period of 22 years or until the final maturity of any bonds issued pursuant to the Act to finance a portion of the Project (the “**CID Sales Tax**”). Petitioners request that the Original Project be expanded to include the construction of public auditoriums, convention centers, and additional commercial, retail, residential and parking structures and facilities, and all related appurtenances thereto, to be located within the District (collectively with the Original Project the “**Project**”). The portion of the Project payable from CID Sales Tax revenues includes the cost of the design, engineering, construction, furnishing and equipping the Project, including site work, parking, internal infrastructure improvements, landscaping, lighting, utilities, interest accrued on borrowed money during the period of construction of the Project, less certain fees. No special assessments shall be levied upon property within the District pursuant to the Act

**2. PUBLIC PURPOSE**

The public purpose of the Project is to provide for the construction of facilities, critical infrastructure, river bank improvements and amenities and critical infrastructure and other improvements to contribute to the revitalization, growth and economic development of a portion of the City that is currently economically underutilized, and attract desirable tenants and other surrounding and supportive development, thereby furthering economic development purposes of the City.

### **3. REVISED ESTIMATED COST**

The revised estimated cost of the Project is \$210,200,000. The estimated net cost for the Stadium Project to be financed with the City's full faith and credit bonds payable from a pledge of CID Sales Tax is \$13,000,000, with the balance of the estimated costs of the Project not so financed to be paid or reimbursed from CID sales tax revenues on a pay-as-you-go basis.

### **4. METHOD OF FINANCING**

The Project is proposed to be financed, in part, either (a) through the use of CID sales tax revenue to be expended on the Project on a pay-as-you-go basis, or (b) through the issuance of the City's full faith and credit bonds payable from a pledge of CID Sales Tax revenues.

### **5. MAP AND LEGAL DESCRIPTION OF THE EXISTING DISTRICT**

A legal description of the existing District is attached hereto as **EXHIBIT "C-1"**.

A map of the existing District is attached hereto as **EXHIBIT "C-2"**.

### **6. MODIFICATION OF DISTRICT BOUNDARIES**

Petitioners request that pursuant to the procedures of the Act, that certain real property be added to the District (the "**Added Property**") and that certain real property be removed from the District (the "**Removed Property**").

A legal description of the Added Property is attached hereto as **EXHIBIT "D-1"**.

A legal description of the Removed Property is attached hereto as **EXHIBIT "D-2"**.

A map depicting the Added Property and the Removed Property is attached hereto as **EXHIBIT "D-3"**.

### **7. MAP AND LEGAL DESCRIPTION OF THE AMENDED DISTRICT**

A legal description of the District, as proposed to be amended, is attached hereto as **EXHIBIT "E-1"**.

A map of the of the District, as proposed to be amended, is attached hereto as **EXHIBIT "E-2"**.

### **8. NOTICE TO PETITION SIGNERS**

Names may not be withdrawn from this Petition by the signers hereof after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the undersigned petitioners have executed the above foregoing petition to create the District at the dates set forth opposite their signatures below:

CITY OF WICHITA, KANSAS

PROPERTY OWNED WITHIN CID

By: \_\_\_\_\_

See *Exhibit A*

Name: John C. Philbrick

Title: Real Estate Administrator

Date: January \_\_, 2020

**ACKNOWLEDGMENT**

STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SEDGWICK         )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of January, 2020 before me, the undersigned, a Notary Public in and for said County and State, came John C. Philbrick, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal)

\_\_\_\_\_  
Notary Public in and for said  
County and State

My Commission Expires:

\_\_\_\_\_



### PROPERTY OWNED WITHIN CID

See *Exhibit B*

Title: \_\_\_\_\_

## **ACKNOWLEDGMENT**

My Commission Expires:

## CONTRACT PURCHASER OF PROPERTY WITHIN CID

See *Exhibit B*

Title: President

## ACKNOWLEDGMENT

STATE OF KANSAS )  
 ) ss.  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of January, 2020 before me, the undersigned, a Notary Public in and for said County and State, came Amy J. Liebau, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Notary Public in and for said  
County and State

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**EXHIBIT A**  
**Legal Description of Property – City of Wichita, Kansas**

**[EXISTING DISTRICT]**

<b>PROPERTY DESCRIPTION</b>		<b>PARCEL IDENTIFICATION</b>
Lot 111 & N 12' of Lot 113, on Main AND S 38' of Lot 113, on Main	Greiffenstein's Third Addition	Parcel A
Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 2, Blk 1	Waterwalk Phase I Addition	Parcel C
Lot 1, Blk 1 AND Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 1, Blk 4	Waterwalk Phase II Addition	Parcel D
Lot 1 exc begin 207.88' N of the SE cor; th. W 171.83'; th. S 0.50'; th. W 62.5'; th. N 333.33'; th. E 62.5'; th. S 0.50'; th. E 171.83'; th. S 332.33' to begin & exc commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin & exc commence at the Ely most cor of Lot 1; th. N along E line 207.88'; th. W 12.50' for PoB; th. S 140.51'; th. SW 76.25'; th. Wly 119.26'; th. NW 21.48'; th. N 176.40'; th. E 26.26'; th. N .50'; th. E 159.33' to begin, Blk 5 AND Except commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin Blk 5	Waterwalk Phase II Addition	Parcel E
A tract of land in the SE/4 begin at the NW cor of Lot 1, Eastbank First Addition; th. Sly to the S line of the SE/4; th. W to river; th. Nly along Ely line of river to a point W of begin; th. E to begin exc N 125' & exc Ely 16' & exc Kellogg on S SE/4 20-27- 1E		Parcel F

<p>That portion of the following described tract located north of the north right-of-way line of Kellogg Avenue:</p> <p>Reserve A exc W 120' platted as Shirk's First Sub &amp; exc begin 120' E of the NW cor of Res A; th. E 72.51' to a point 25' Wly of the center line of MoPac r/w; th. SEly parallel to r/w 98.25'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin exc CC A-60844</p> <p>AND</p> <p>That part of Res A begin at the NE cor of Shirk's First Sub; th. E 72.51' to a point 25' W of the center line of MoPac r/w; th. SEly parallel to r/w 98.18'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin &amp; exc part platted as Waterwalk West Addition</p>	Winne's Addition	Parcel H
Lot 1	Waterwalk West Addition	Parcel I
<p>Lot 1 exc E 133' thereof, Blk A</p> <p>AND</p> <p>E 133' of Lot 1, Blk A</p>	Wichita Ice Center Addition	Parcel J
<p>N 65' of Lots 33, 34 &amp; 35, Blk 4</p> <p>AND</p> <p>S 60' of Lots 33, 34 &amp; 35, Blk 4</p> <p>AND</p> <p>Lots 36 &amp; 37, Blk 4</p> <p>AND</p> <p>Lots 38, 39 &amp; 40, Blk 4</p> <p>AND</p> <p>Lots 41 &amp; 42, Blk 4</p>	Payne's Park Addition	Parcel K
<p>Lots 33, 34, 35 &amp; 36, Blk 5</p> <p>AND</p> <p>Lots 37, 38, 39 &amp; 40, Blk 5</p> <p>AND</p> <p>Lots 41 &amp; 42, Blk 5</p>	Payne's Park Addition	Parcel L
<p>Lots 33, 34 &amp; 35, Blk 6</p> <p>AND</p> <p>Lots 36, 37, 39 &amp; 40, Blk 6 exc begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38'; th. E 52.2'; th. N 16'; th. E 38'; th. S to Maple St; th. W to begin, Blk 6</p> <p>AND</p> <p>Begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38' th. E 52.2'; th. N 16'; th. E 38'; th. S to the N line of Maple St; th. W 28.7' to begin, Blk 6</p>	Payne's Park Addition	Parcel M

<p>All of Block 2 &amp; vacated street adj on S &amp; E and All Lots 13 to 30, inclusive, &amp; ½ vacated street adj on S and ½ vacated street adj on E, Block 3 and Lots 1 to 32, inclusive &amp; vacated street adj on E, Block 4</p> <p>AND</p> <p>Odd &amp; Even Lots 1 to 32 inclusive &amp; vacated street adj on N &amp; ½ vacated street adj Odd Lots 1 thru 27 on E, Block 5</p> <p>AND</p> <p>Odd &amp; Even Lots 10 to 32 inclusive &amp; ½ vacated street adj on W, Blk 6</p>	Payne's Park Addition	Parcel N
<p>That part of the SW/4 lying S of Reserve A, West Wichita Addn &amp; lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to a point 20' E of the center line of RR r/w as now located &amp; lying W of a line 20' E of &amp; parallel to the center line of RR &amp; lying E of center line of RR 20-27-1E</p>		Parcel Q
<p>Lot 1 exc NW 10' for alley, Blk 1</p> <p>AND</p> <p>Lot 2 exc NW 10' for alley, Blk 1</p> <p>AND</p> <p>All Lots 3 to 8 inclusive &amp; W 15' of Lot 9 &amp; vacated street adj on S exc NW 10' for alley, Blk 1</p>	Payne's Park Addition	Parcel R
<p>W 165' m/l of Reserve A exc NW 10' for alley</p> <p>AND</p> <p>That part of Reserve A lying E of center line of RR</p> <p>AND</p> <p>That part of Lot 158 lying E of the center line of RR &amp; all Lot 160 &amp; tract 40 adj &amp; vacated alley adj on S, on Douglas Ave</p> <p>AND</p> <p>Surplus between W bank of Big River &amp; 65' E of the NW cor of Lot 160, on Douglas</p>	West Wichita Addition	Parcel T

<p>A tract in the NE Quarter of S 20, T 27-R1E, Beginning at the SSE corner of Church Park Addition, thence South to the RR ROW, west to the bank of the Arkansas River, thence North the river bank to the South line of said Addition, thence East to the Point of Beginning, Except for the North 122.4' dedicated for Street</p> <p>AND</p> <p>The former RR ROW lying south of 1<sup>st</sup> Street between Waco and the Big Arkansas River</p> <p>AND a parcel beginning 391.09 feet north of the SEc of Holmes' Addition on the West line of Waco; thence SWly 190.86 feet; thence South 7.95 feet; thence East 50.23 feet; thence along a curve to the left, 75.93 feet; thence along a curve to the right, 77.45 feet to a point on the West line of Waco; thence North along said West line 8.43 feet to the Point of Beginning</p>		Parcel AA
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**[ADDED PROPERTY]**

<b>PROPERTY DESCRIPTION</b>		<b>PARCEL IDENTIFICATION</b>
Lot 5, EXCEPT the West 65 feet thereof, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street,	West Wichita	Parcel BB
Lot 3, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street, West Wichita, Sedgwick County, Kansas.	West Wichita	Parcel BB
Lots 91, 93, 95, 97 and 99, Pine, now Burton Street, TOGETHER WITH Lot 1, on Sycamore Avenue, in McKee's Resurvey of Lots 90, 92, 94, 96, 98 and 100, on Texas Avenue, and Lots 2, 4, 6, 8 and 10, on Oak Street	West Wichita	Parcel BB
Lots 2, 4, 6, 8, and 10, on Burton Street, McKee's Resurvey of Lots 90-92-94-96-98-100, Texas Avenue, and Lots 2-4-6-8-10, Oak Street	West Wichita	Parcel BB

**EXHIBIT B****Legal Description of Property – Metropolitan Baptist Church of Wichita****[ADDED PROPERTY]**

<b>PROPERTY DESCRIPTION</b>		<b>PARCEL IDENTIFICATION</b>
W 85' of Even Lots 2 thru 12, inclusive & ½ vacated street adj on N, Blk 3 AND Lots 1 to 12, inclusive exc W 85' of even Lots 2 to 12 & ½ vacated street adj on N & ½ vacated LaClede street adj on E, Blk 3 AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & E/2 vacated LaClede street adj on W & part vacated English street, Blk 6	Payne's Park Addition	Parcel O
That part of the SW/4 lying S of Reserve A, West Wichita Add'n & Lying E of Payne's Park Add'n & lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to the center line of RR r/w as now located & exc that part dedicated for street 20-27-1E		Parcel P
E 10' of Lot 9 & all Lots 10, 11, 12 & ½ vacated street adj on S, Blk 1 AND Lots 13 to 21 inclusive & ½ vacated English street adj on S, Blk 1 AND Lot 22, Blk 1	Payne's Park Addition	Parcel S
E 85' m/l of the W 250' m/l of Reserve A exc NW 10' for alley AND Reserve A exc W 250' m/l & exc that part lying E of center line of RR r/w & exc NW 10' for alley AND E 20' of Lot 142 & all Even Lots 144 to 156 & that part of Lot 158 lying W of the center line of RR & vacated alley adj on S, on Douglas Ave	West Wichita Addition"	Parcel U

## EXHIBIT C-1

### Legal Description of Existing District

The following real property located within the City of Wichita, Sedgwick County, Kansas:

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 111 & N 12' of Lot 113, on Main AND S 38' of Lot 113, on Main	Greiffenstein's Third Addition	Parcel A
Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 2, Blk 1	Waterwalk Phase I Addition	Parcel C
Lot 1, Blk 1 AND Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 1, Blk 4	Waterwalk Phase II Addition	Parcel D
Lot 1 exc begin 207.88' N of the SE cor; th. W 171.83'; th. S 0.50'; th. W 62.5'; th. N 333.33'; th. E 62.5'; th. S 0.50'; th. E 171.83'; th. S 332.33' to begin & exc commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin & exc commence at the Ely most cor of Lot 1; th. N along E line 207.88'; th. W 12.50' for PoB; th. S 140.51'; th. SW 76.25'; th. Wly 119.26'; th. NW 21.48'; th. N 176.40'; th. E 26.26'; th. N .50'; th. E 159.33' to begin, Blk 5 AND Except commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin Blk 5	Waterwalk Phase II Addition	Parcel E
A tract of land in the SE/4 begin at the NW cor of Lot 1, Eastbank First Addition; th. Sly to the S line of the SE/4; th. W to river; th. Nly along Ely line of river to a point W of begin; th. E to begin exc N 125' & exc Ely 16' & exc Kellogg on S SE/4 20-27- 1E		Parcel F



<p>That portion of the following described tract located north of the north right-of-way line of Kellogg Avenue:</p> <p>Reserve A exc W 120' platted as Shirk's First Sub &amp; exc begin 120' E of the NW cor of Res A; th. E 72.51' to a point 25' Wly of the center line of MoPac r/w; th. SEly parallel to r/w 98.25'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin exc CC A-60844</p> <p>AND</p> <p>That part of Res A begin at the NE cor of Shirk's First Sub; th. E 72.51' to a point 25' W of the center line of MoPac r/w; th. SEly parallel to r/w 98.18'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin &amp; exc part platted as Waterwalk West Addition</p>	Winne's Addition	Parcel H
Lot 1	Waterwalk West Addition	Parcel I
<p>Lot 1 exc E 133' thereof, Blk A</p> <p>AND</p> <p>E 133' of Lot 1, Blk A</p>	Wichita Ice Center Addition	Parcel J
<p>N 65' of Lots 33, 34 &amp; 35, Blk 4</p> <p>AND</p> <p>S 60' of Lots 33, 34 &amp; 35, Blk 4</p> <p>AND</p> <p>Lots 36 &amp; 37, Blk 4</p> <p>AND</p> <p>Lots 38, 39 &amp; 40, Blk 4</p> <p>AND</p> <p>Lots 41 &amp; 42, Blk 4</p>	Payne's Park Addition	Parcel K
<p>Lots 33, 34, 35 &amp; 36, Blk 5</p> <p>AND</p> <p>Lots 37, 38, 39 &amp; 40, Blk 5</p> <p>AND</p> <p>Lots 41 &amp; 42, Blk 5</p>	Payne's Park Addition	Parcel L
<p>Lots 33, 34 &amp; 35, Blk 6</p> <p>AND</p> <p>Lots 36, 37, 39 &amp; 40, Blk 6 exc begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38'; th. E 52.2'; th. N 16'; th. E 38'; th. S to Maple St; th. W to begin, Blk 6</p> <p>AND</p> <p>Begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38' th. E 52.2'; th. N 16'; th. E 38'; th. S to the N line of Maple St; th. W 28.7' to begin, Blk 6</p>	Payne's Park Addition	Parcel M

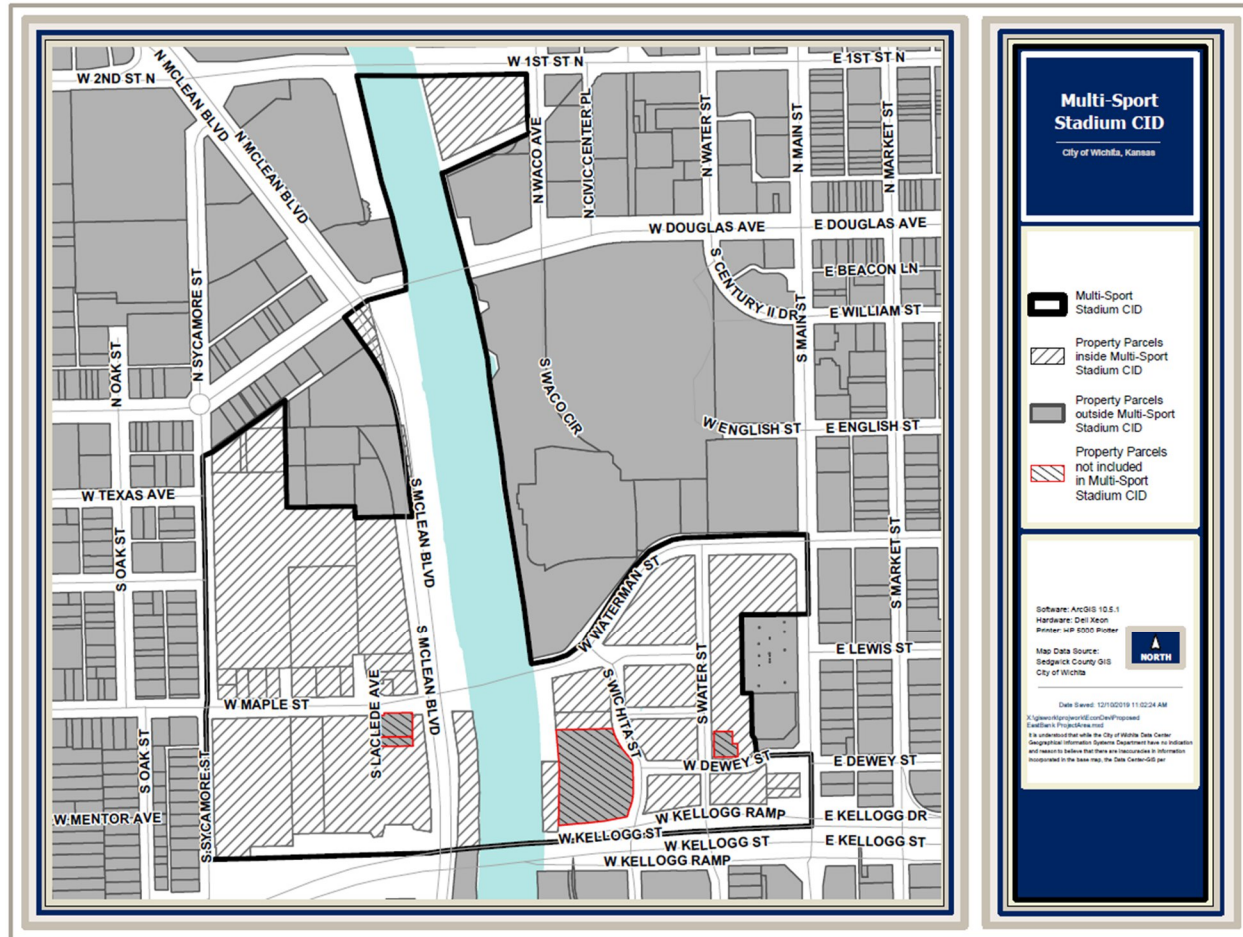
<p>All of Block 2 &amp; vacated street adj on S &amp; E and All Lots 13 to 30, inclusive, &amp; ½ vacated street adj on S and ½ vacated street adj on E, Block 3 and Lots 1 to 32, inclusive &amp; vacated street adj on E, Block 4</p> <p>AND</p> <p>Odd &amp; Even Lots 1 to 32 inclusive &amp; vacated street adj on N &amp; ½ vacated street adj Odd Lots 1 thru 27 on E, Block 5</p> <p>AND</p> <p>Odd &amp; Even Lots 10 to 32 inclusive &amp; ½ vacated street adj on W, Blk 6</p>	Payne's Park Addition	Parcel N
<p>That part of the SW/4 lying S of Reserve A, West Wichita Addn &amp; lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to a point 20' E of the center line of RR r/w as now located &amp; lying W of a line 20' E of &amp; parallel to the center line of RR &amp; lying E of center line of RR 20-27-1E</p>		Parcel Q
<p>Lot 1 exc NW 10' for alley, Blk 1</p> <p>AND</p> <p>Lot 2 exc NW 10' for alley, Blk 1</p> <p>AND</p> <p>All Lots 3 to 8 inclusive &amp; W 15' of Lot 9 &amp; vacated street adj on S exc NW 10' for alley, Blk 1</p>	Payne's Park Addition	Parcel R
<p>W 165' m/l of Reserve A exc NW 10' for alley</p> <p>AND</p> <p>That part of Reserve A lying E of center line of RR</p> <p>AND</p> <p>That part of Lot 158 lying E of the center line of RR &amp; all Lot 160 &amp; tract 40 adj &amp; vacated alley adj on S, on Douglas Ave</p> <p>AND</p> <p>Surplus between W bank of Big River &amp; 65' E of the NW cor of Lot 160, on Douglas</p>	West Wichita Addition	Parcel T

<p>A tract in the NE Quarter of S 20, T 27-R1E, Beginning at the SSE corner of Church Park Addition, thence South to the RR ROW, west to the bank of the Arkansas River, thence North the river bank to the South line of said Addition, thence East to the Point of Beginning, Except for the North 122.4' dedicated for Street</p> <p>AND</p> <p>The former RR ROW lying south of 1<sup>st</sup> Street between Waco and the Big Arkansas River</p> <p>AND a parcel beginning 391.09 feet north of the SEc of Holmes' Addition on the West line of Waco; thence SWly 190.86 feet; thence South 7.95 feet; thence East 50.23 feet; thence along a curve to the left, 75.93 feet; thence along a curve to the right, 77.45 feet to a point on the West line of Waco; thence North along said West line 8.43 feet to the Point of Beginning</p>		<p>Parcel AA</p>
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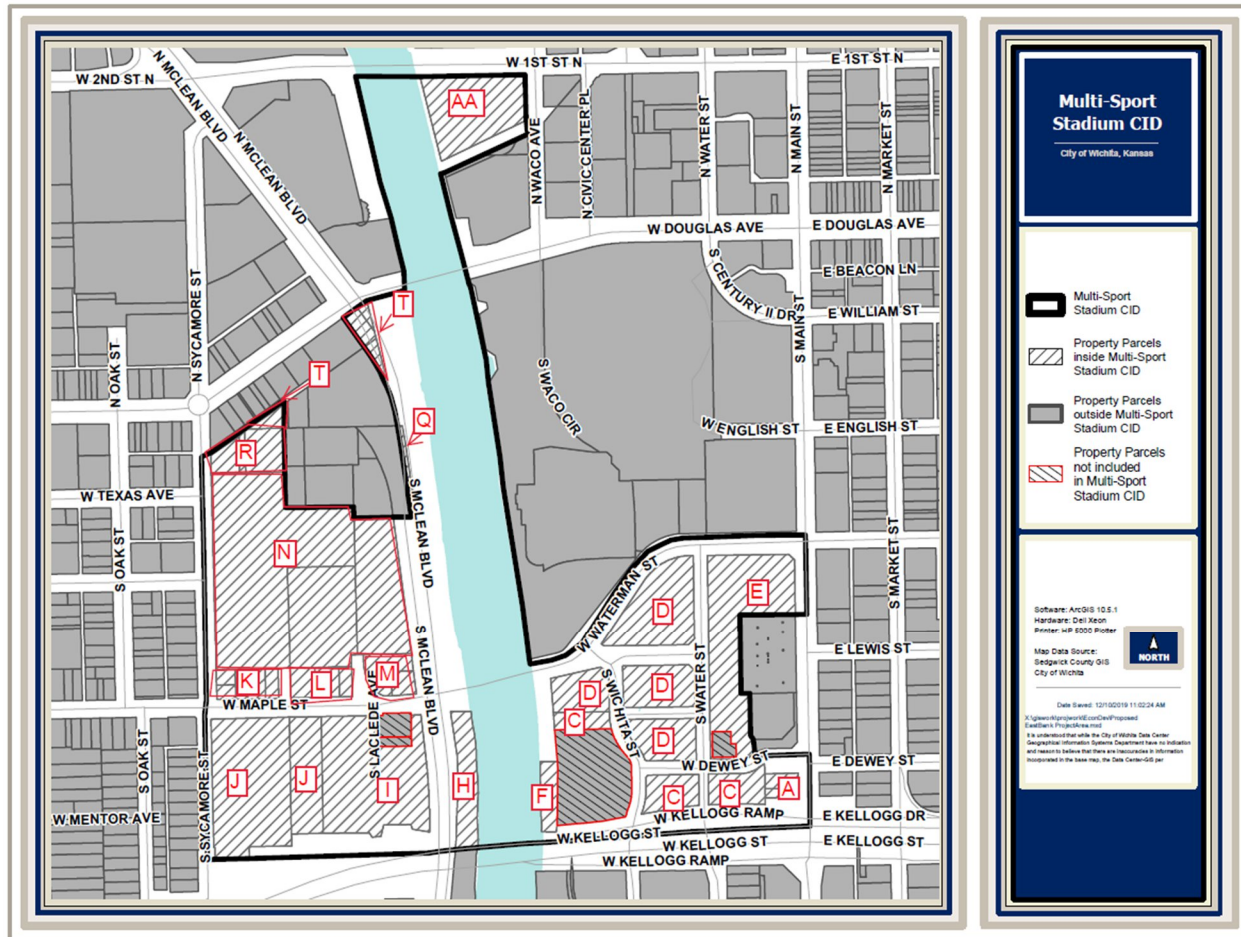
Together with those portions of the Big Arkansas River and adjacent river banks not previously described above and lying South of West 1st Street North and North of Kellogg Avenue.

## EXHIBIT C-2

### Map of Existing District Boundaries



## Map of Existing District Boundaries (With Parcels Labeled)



## EXHIBIT D-1

### Legal Description of Added Property

The following real property located within the City of Wichita, Sedgwick County, Kansas:

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 5, EXCEPT the West 65 feet thereof, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street,	West Wichita	Parcel BB
Lot 3, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street, West Wichita, Sedgwick County, Kansas.	West Wichita	Parcel BB
Lots 91, 93, 95, 97 and 99, Pine, now Burton Street, TOGETHER WITH Lot 1, on Sycamore Avenue, in McKee's Resurvey of Lots 90, 92, 94, 96, 98 and 100, on Texas Avenue, and Lots 2, 4, 6, 8 and 10, on Oak Street	West Wichita	Parcel BB
Lots 2, 4, 6, 8, and 10, on Burton Street, McKee's Resurvey of Lots 90-92-94-96-98-100, Texas Avenue, and Lots 2-4-6-8-10, Oak Street	West Wichita	Parcel BB

W 85' of Even Lots 2 thru 12, inclusive & ½ vacated street adj on N, Blk 3 AND Lots 1 to 12, inclusive exc W 85' of even Lots 2 to 12 & ½ vacated street adj on N & ½ vacated LaClede street adj on E, Blk 3 AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & E/2 vacated LaClede street adj on W & part vacated English street, Blk 6	Payne's Park Addition	Parcel O
That part of the SW/4 lying S of Reserve A, West Wichita Add'n & Lying E of Payne's Park Add'n & lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to the center line of RR r/w as now located & exc that part dedicated for street 20-27-1E		Parcel P

E 10' of Lot 9 & all Lots 10, 11, 12 & ½ vacated street adj on S, Blk 1 AND Lots 13 to 21 inclusive & ½ vacated English street adj on S, Blk 1 AND Lot 22, Blk 1	Payne's Park Addition	Parcel S
E 85' m/l of the W 250' m/l of Reserve A exc NW 10' for alley AND Reserve A exc W 250' m/l & exc that part lying E of center line of RR r/w & exc NW 10' for alley AND E 20' of Lot 142 & all Even Lots 144 to 156 & that part of Lot 158 lying W of the center line of RR & vacated alley adj on S, on Douglas Ave	West Wichita Addition"	Parcel U

## EXHIBIT D-2

### Legal Description of Removed Property

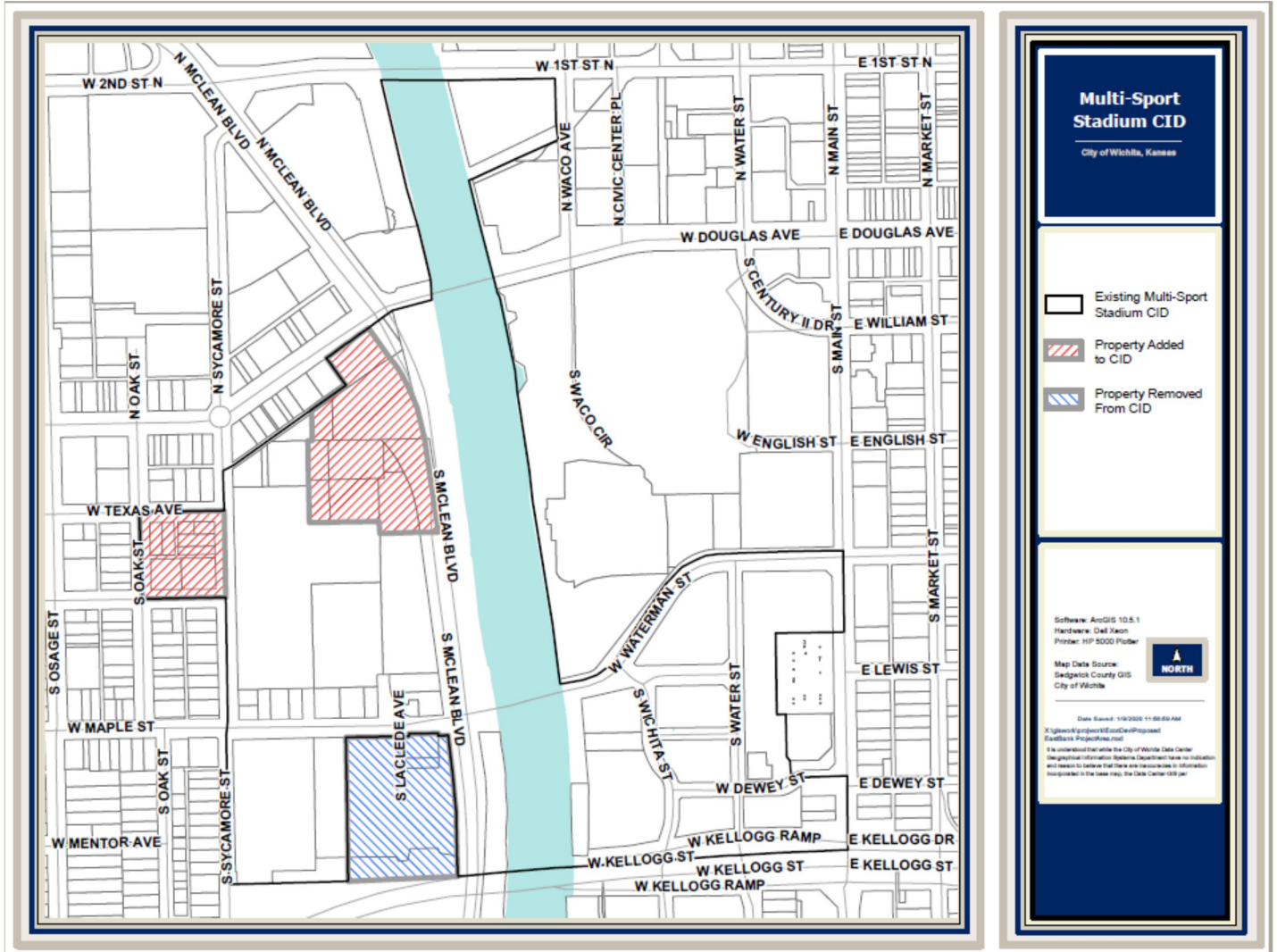
The following real property located within the City of Wichita, Sedgwick County, Kansas:

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 1	Waterwalk West Addition	Parcel I

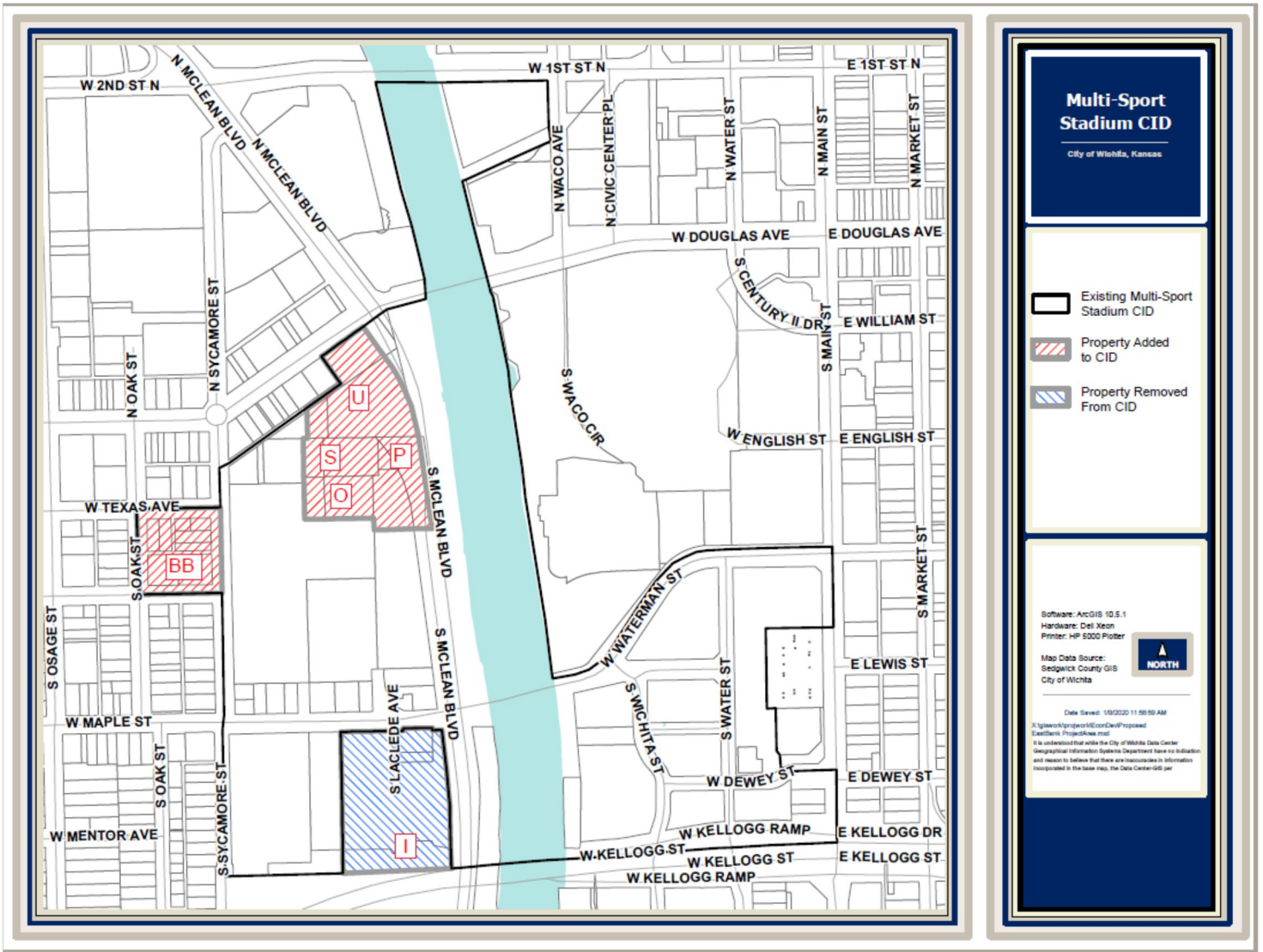


## EXHIBIT D-3

### Map of Added and Removed Property



### Map of Added and Removed Property (With Parcels Labeled)



# EXHIBIT E-1

## Legal Description of Property within District After Amendment

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 111 & N 12' of Lot 113, on Main AND S 38' of Lot 113, on Main	Greiffenstein's Third Addition	Parcel A
Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 2, Blk 1	Waterwalk Phase I Addition	Parcel C
Lot 1, Blk 1 AND Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 1, Blk 4	Waterwalk Phase II Addition	Parcel D
Lot 1 exc begin 207.88' N of the SE cor; th. W 171.83'; th. S 0.50'; th. W 62.5'; th. N 333.33'; th. E 62.5'; th. S 0.50'; th. E 171.83'; th. S 332.33' to begin & exc commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin & exc commence at the Ely most cor of Lot 1; th. N along E line 207.88'; th. W 12.50' for PoB; th. S 140.51'; th. SW 76.25'; th. Wly 119.26'; th. NW 21.48'; th. N 176.40'; th. E 26.26'; th. N .50'; th. E 159.33' to begin, Blk 5 AND Except commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin Blk 5	Waterwalk Phase II Addition	Parcel E
A tract of land in the SE/4 begin at the NW cor of Lot 1, Eastbank First Addition; th. Sly to the S line of the SE/4; th. W to river; th. Nly along Ely line of river to a point W of begin; th. E to begin exc N 125' & exc Ely 16' & exc Kellogg on S SE/4 20-27- 1E		Parcel F

<p>That portion of the following described tract located north of the north right-of-way line of Kellogg Avenue:</p> <p>Reserve A exc W 120' platted as Shirk's First Sub &amp; exc begin 120' E of the NW cor of Res A; th. E 72.51' to a point 25' Wly of the center line of MoPac r/w; th. SEly parallel to r/w 98.25'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin exc CC A-60844</p> <p>AND</p> <p>That part of Res A begin at the NE cor of Shirk's First Sub; th. E 72.51' to a point 25' W of the center line of MoPac r/w; th. SEly parallel to r/w 98.18'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin &amp; exc part platted as Waterwalk West Addition</p>	Winne's Addition	Parcel H
<p>Lot 1 exc E 133' thereof, Blk A</p> <p>AND</p> <p>E 133' of Lot 1, Blk A</p>	Wichita Ice Center Addition	Parcel J
<p>N 65' of Lots 33, 34 &amp; 35, Blk 4</p> <p>AND</p> <p>S 60' of Lots 33, 34 &amp; 35, Blk 4</p> <p>AND</p> <p>Lots 36 &amp; 37, Blk 4</p> <p>AND</p> <p>Lots 38, 39 &amp; 40, Blk 4</p> <p>AND</p> <p>Lots 41 &amp; 42, Blk 4</p>	Payne's Park Addition	Parcel K
<p>Lots 33, 34, 35 &amp; 36, Blk 5</p> <p>AND</p> <p>Lots 37, 38, 39 &amp; 40, Blk 5</p> <p>AND</p> <p>Lots 41 &amp; 42, Blk 5</p>	Payne's Park Addition	Parcel L
<p>Lots 33, 34 &amp; 35, Blk 6</p> <p>AND</p> <p>Lots 36, 37, 39 &amp; 40, Blk 6 exc begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38'; th. E 52.2'; th. N 16'; th. E 38'; th. S to Maple St; th. W to begin, Blk 6</p> <p>AND</p> <p>Begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38' th. E 52.2'; th. N 16'; th. E 38'; th. S to the N line of Maple St; th. W 28.7' to begin, Blk 6</p>	Payne's Park Addition	Parcel M

<p>All of Block 2 &amp; vacated street adj on S &amp; E and All Lots 13 to 30, inclusive, &amp; ½ vacated street adj on S and ½ vacated street adj on E, Block 3 and Lots 1 to 32, inclusive &amp; vacated street adj on E, Block 4</p> <p>AND</p> <p>Odd &amp; Even Lots 1 to 32 inclusive &amp; vacated street adj on N &amp; ½ vacated street adj Odd Lots 1 thru 27 on E, Block 5</p> <p>AND</p> <p>Odd &amp; Even Lots 10 to 32 inclusive &amp; ½ vacated street adj on W, Blk 6</p>	Payne's Park Addition	Parcel N
<p>That part of the SW/4 lying S of Reserve A, West Wichita Addn &amp; lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to a point 20' E of the center line of RR r/w as now located &amp; lying W of a line 20' E of &amp; parallel to the center line of RR &amp; lying E of center line of RR 20-27-1E</p>		Parcel Q
<p>Lot 1 exc NW 10' for alley, Blk 1</p> <p>AND</p> <p>Lot 2 exc NW 10' for alley, Blk 1</p> <p>AND</p> <p>All Lots 3 to 8 inclusive &amp; W 15' of Lot 9 &amp; vacated street adj on S exc NW 10' for alley, Blk 1</p>	Payne's Park Addition	Parcel R
<p>W 165' m/l of Reserve A exc NW 10' for alley</p> <p>AND</p> <p>That part of Reserve A lying E of center line of RR</p> <p>AND</p> <p>That part of Lot 158 lying E of the center line of RR &amp; all Lot 160 &amp; tract 40 adj &amp; vacated alley adj on S, on Douglas Ave</p> <p>AND</p> <p>Surplus between W bank of Big River &amp; 65' E of the NW cor of Lot 160, on Douglas</p>	West Wichita Addition	Parcel T

<p>A tract in the NE Quarter of S 20, T 27-R1E, Beginning at the SSE corner of Church Park Addition, thence South to the RR ROW, west to the bank of the Arkansas River, thence North the river bank to the South line of said Addition, thence East to the Point of Beginning, Except for the North 122.4' dedicated for Street</p> <p>AND</p> <p>The former RR ROW lying south of 1<sup>st</sup> Street between Waco and the Big Arkansas River</p> <p>AND a parcel beginning 391.09 feet north of the SEc of Holmes' Addition on the West line of Waco; thence SWly 190.86 feet; thence South 7.95 feet; thence East 50.23 feet; thence along a curve to the left, 75.93 feet; thence along a curve to the right, 77.45 feet to a point on the West line of Waco; thence North along said West line 8.43 feet to the Point of Beginning</p>		Parcel AA
<p>Lot 5, EXCEPT the West 65 feet thereof, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street,</p>	West Wichita	Parcel BB
<p>Lot 3, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street, West Wichita, Sedgwick County, Kansas.</p>	West Wichita	Parcel BB
<p>Lots 91, 93, 95, 97 and 99, Pine, now Burton Street, TOGETHER WITH Lot 1, on Sycamore Avenue, in McKee's Resurvey of Lots 90, 92, 94, 96, 98 and 100, on Texas Avenue, and Lots 2, 4, 6, 8 and 10, on Oak Street</p>	West Wichita	Parcel BB
<p>Lots 2, 4, 6, 8, and 10, on Burton Street, McKee's Resurvey of Lots 90-92-94-96-98-100, Texas Avenue, and Lots 2-4-6-8-10, Oak Street</p>	West Wichita	Parcel BB

W 85' of Even Lots 2 thru 12, inclusive & ½ vacated street adj on N, Blk 3 AND Lots 1 to 12, inclusive exc W 85' of even Lots 2 to 12 & ½ vacated street adj on N & ½ vacated LaClede street adj on E, Blk 3 AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & E/2 vacated LaClede street adj on W & part vacated English street, Blk 6	Payne's Park Addition	Parcel O
That part of the SW/4 lying S of Reserve A, West Wichita Add'n & lying E of Payne's Park Add'n & lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to the center line of RR r/w as now located & exc that part dedicated for street 20-27-1E		Parcel P
E 10' of Lot 9 & all Lots 10, 11, 12 & ½ vacated street adj on S, Blk 1 AND Lots 13 to 21 inclusive & ½ vacated English street adj on S, Blk 1 AND Lot 22, Blk 1	Payne's Park Addition	Parcel S
E 85' m/l of the W 250' m/l of Reserve A exc NW 10' for alley AND Reserve A exc W 250' m/l & exc that part lying E of center line of RR r/w & exc NW 10' for alley AND E 20' of Lot 142 & all Even Lots 144 to 156 & that part of Lot 158 lying W of the center line of RR & vacated alley adj on S, on Douglas Ave	West Wichita Addition"	Parcel U

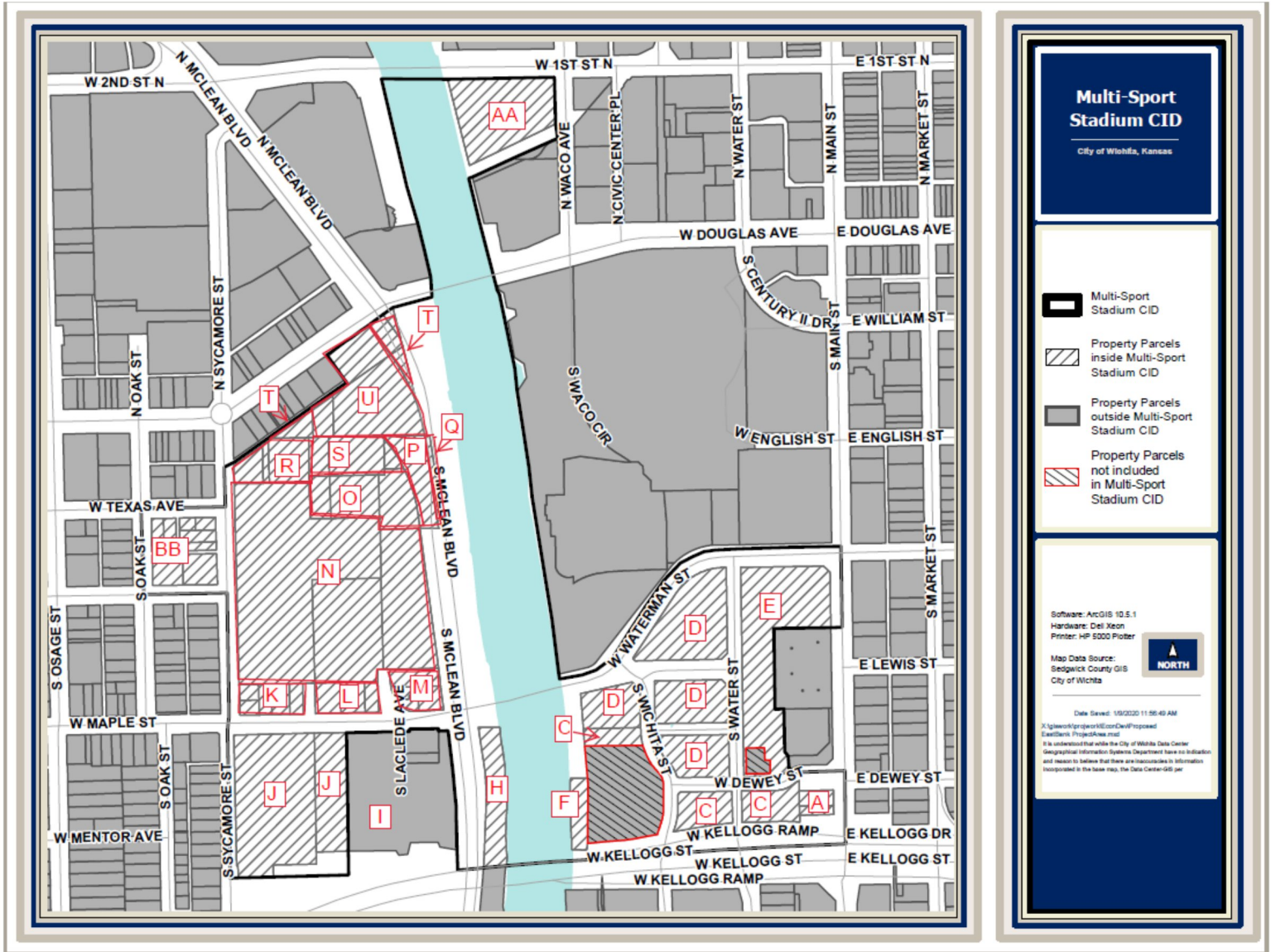
Together with those portions of the Big Arkansas River and adjacent river banks not previously described above and lying South of West 1st Street North and North of Kellogg Avenue.

### Map of District After Amendment





# Map of District After Amendment (With Parcels Labeled)



**EXCERPT OF MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF WICHITA, KANSAS  
HELD ON JANUARY 21, 2020**

The City Council (the “Governing Body”) of the City of Wichita, Kansas (the “City”) met in regular session at the usual meeting place in the City, at 9:00 a.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

\* \* \* \* \*

(Other Proceedings)

Thereupon, based on a petition submitted by owners of property, the matter of modifying the project and boundaries of the Multi-Sport Stadium Community Improvement District came on for consideration and was discussed. Thereafter, the following Resolution was considered:

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE  
OF A PUBLIC HEARING ON THE ADVISABILITY OF MODIFYING THE  
PROJECT AND BOUNDARIES OF THE MULTI-SPORT STADIUM  
COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF WICHITA,  
KANSAS.**

Councilmember \_\_\_\_\_ moved the adoption of the Resolution. Councilmember \_\_\_\_\_ seconded the motion to adopt the Resolution. The Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows:

Aye: \_\_\_\_\_.

Nay: \_\_\_\_\_.

The Mayor declared the Resolution duly adopted by the Governing Body and the Clerk designated the same Resolution No. 20-018. The Resolution was directed to be published once a week for two consecutive weeks in the official City newspaper and the City Clerk was directed to give the statutorily required notices.

\* \* \* \* \*

(Other Proceedings)

### **CERTIFICATE**

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Wichita, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

---

Karen Sublett, City Clerk

(Published in the *Wichita Eagle* on January 24, 2020 and January 31, 2020)

**RESOLUTION NO. 20-018**

**A RESOLUTION CALLING AND PROVIDING FOR THE GIVING OF NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF MODIFYING THE PROJECT AND BOUNDARIES OF THE MULTI-SPORT STADIUM COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF WICHITA, KANSAS.**

**WHEREAS**, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the “Act”), the City of Wichita, Kansas (the “City”) is authorized to create community improvement districts as a method of financing economic development related improvements in a defined area within the city; and

**WHEREAS**, the Act further authorizes the City, in order to pay the costs of eligible projects within a community improvement district, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a community improvement district in any increment of .10% or .25% not to exceed 2% and to reimburse the costs of the such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such community improvement district sales tax; and

**WHEREAS**, a petition (the “Original Petition”) has been previously filed with the City Clerk proposing the creation of a community improvement district under the Act and the imposition of a community improvement district sales tax in the amount of 2% in order to pay a portion of the costs of the project described in the Original Petition; and

**WHEREAS**, the Petition was signed by the owners of one hundred percent (100%) of all land and 100% of the assessed value within the proposed District, other than land owned by the City for infrastructure purposes; and

**WHEREAS**, on January 7, 2020, the City Council (the “Governing Body”) of the City passed Ordinance No. 51-167, which established the Multi-Sport Stadium Community Improvement District (the “District”), authorized the making of certain improvements within the District consisting of the design, engineering, construction, furnishing and equipping of a major multisport complex and related appurtenances and facilities (the “Stadium Project”) and adjacent commercial, retail, residential and parking structures and facilities (collectively with the Stadium Project, the “Original Project”) and the imposition of a 2% community improvement district sales tax within the District (the “CID Sales Tax”); and

**WHEREAS**, a petition (the “Amending Petition”) has been filed with the City Clerk proposing that the scope of the Original Project be expanded, a parcel of real property be removed from the District, and certain other parcels of real property be added to the District, all pursuant to the procedures of the Act; and

**WHEREAS**, the Amending Petition has been signed by the owners of one hundred percent (100%) of all land and all of the assessed value currently within the District and the property to be added and removed from the District; and

**WHEREAS**, the Governing Body hereby finds and determines it to be necessary to direct and order a public hearing on the advisability of modifying the project and the boundaries of the District pursuant to the authority of the Act; and further to provide for giving of notice of said hearing in the manner required by the Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Amending Petition.** The Governing Body hereby finds and determines that the Amending Petition meets the requirements of the Act.

**Section 2. Public Hearing.** It is hereby authorized, ordered, and directed that the Governing Body shall hold a public hearing, in accordance with the provisions of the Act, on the advisability of modifying the project and the boundaries of the District, such public hearing to be held on **February 11, 2020 at 9:00 a.m.**, or as soon thereafter as the matter can be heard, in the City Council Chambers, located in City Hall at 455 N. Main, Wichita, Kansas 67202, under the authority of the Act.

**Section 3. Proposed Project Modification.** The general nature of the Original Project consists of the design, engineering, construction, furnishing and equipping of a major multisport complex and related appurtenances and facilities and adjacent commercial, retail, residential and parking structures and facilities. The Amending Petition proposes the Original Project be expanded to include the construction of public auditoriums, convention centers, and additional commercial, retail, residential and parking structures and facilities, and all related appurtenances thereto, to be located within the District (collectively with the Original Project, the "Project"). The portion of the Project payable from CID Sales Tax revenues includes the cost of the design, engineering, construction, furnishing and equipping the Project, including site work, parking, internal infrastructure improvements, landscaping, lighting, utilities, interest accrued on borrowed money during the period of construction of the Project, the State of Kansas administrative expenses (2%), the City's administrative fee (5%), and the City's public infrastructure improvement fee (10%), but shall not include the cost of real property acquisition or vertical construction of buildings, structures and facilities not owned by the City, other than multi-level parking facilities.

**Section 4. Estimated Cost and Method of Financing.** The estimated cost of the Project is \$210,200,000. The estimated net cost for the Stadium Project to be financed with the City's full faith and credit bonds payable from a pledge of CID Sales Tax is \$13,000,000, with the balance of the estimated costs of the Project not so financed to be paid or reimbursed from CID sales tax revenues on a pay-as-you-go basis. No special assessments are proposed as part of the District.

**Section 5. Proposed Boundary Modifications.** The legal description of the property proposed to be removed from the District, the legal description of the property proposed to be added to the District, and the legal description of the District, as modified, are set forth in **Exhibit A** attached hereto and incorporated herein. A map of the District which delineates the current boundaries and the properties to be removed and to be added is set forth on **Exhibit B** attached hereto and incorporated herein.

**Section 6. Notice of Public Hearing.** The City Clerk is hereby authorized, ordered, and directed to give notice of said public hearing by publication of this Resolution in the official newspaper of the City at least once each week for two consecutive weeks. The second notice shall be published at least seven (7) days prior to the date of the public hearing. The City Clerk is hereby further ordered and directed to mail a copy of this Resolution, via certified mail, return receipt requested, to all property owners within such proposed District at least ten (10) days prior to the date of the hearing.

**Section 7. Effective Date.** This Resolution shall be effective upon adoption by the Governing Body.

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**ADOPTED** by the Governing Body of the City of Wichita, Kansas on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

Attest:

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Jennifer Magaña, Director of Law and  
City Attorney

## EXHIBIT A

### Legal Description of Proposed Property to be Removed from the District

The following real property located within the City of Wichita, Sedgwick County, Kansas:

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 1	Waterwalk West Addition	Parcel I

### Legal Description of Proposed Property to be Added to the District

The following real property located within the City of Wichita, Sedgwick County, Kansas:

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 5, EXCEPT the West 65 feet thereof, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street,	West Wichita	Parcel BB
Lot 3, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street, West Wichita, Sedgwick County, Kansas.	West Wichita	Parcel BB
Lots 91, 93, 95, 97 and 99, Pine, now Burton Street, TOGETHER WITH Lot 1, on Sycamore Avenue, in McKee's Resurvey of Lots 90, 92, 94, 96, 98 and 100, on Texas Avenue, and Lots 2, 4, 6, 8 and 10, on Oak Street	West Wichita	Parcel BB
Lots 2, 4, 6, 8, and 10, on Burton Street, McKee's Resurvey of Lots 90-92-94-96-98-100, Texas Avenue, and Lots 2-4-6-8-10, Oak Street	West Wichita	Parcel BB

W 85' of Even Lots 2 thru 12, inclusive & ½ vacated street adj on N, Blk 3 AND Lots 1 to 12, inclusive exc W 85' of even Lots 2 to 12 & ½ vacated street adj on N & ½ vacated LaClede street adj on E, Blk 3 AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & E/2 vacated LaClede street adj on W & part vacated English street, Blk 6	Payne's Park Addition	Parcel O
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That part of the SW/4 lying S of Reserve A, West Wichita Add'n & Lying E of Payne's Park Add'n & lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to the center line of RR r/w as now located & exc that part dedicated for street 20-27-1E		Parcel P
E 10' of Lot 9 & all Lots 10, 11, 12 & ½ vacated street adj on S, Blk 1 AND Lots 13 to 21 inclusive & ½ vacated English street adj on S, Blk 1 AND Lot 22, Blk 1	Payne's Park Addition	Parcel S
E 85' m/l of the W 250' m/l of Reserve A exc NW 10' for alley AND Reserve A exc W 250' m/l & exc that part lying E of center line of RR r/w & exc NW 10' for alley AND E 20' of Lot 142 & all Even Lots 144 to 156 & that part of Lot 158 lying W of the center line of RR & vacated alley adj on S, on Douglas Ave	West Wichita Addition''	Parcel U

### Legal Description of Proposed Modified District

The following real property located within the City of Wichita, Sedgwick County, Kansas:

PROPERTY DESCRIPTION		PARCEL IDENTIFICATION
Lot 111 & N 12' of Lot 113, on Main AND S 38' of Lot 113, on Main	Greiffenstein's Third Addition	Parcel A
Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 2, Blk 1	Waterwalk Phase I Addition	Parcel C
Lot 1, Blk 1 AND Lot 1, Blk 2 AND Lot 1, Blk 3 AND Lot 1, Blk 4	Waterwalk Phase II Addition	Parcel D

<p>Lot 1 exc begin 207.88' N of the SE cor; th. W 171.83'; th. S 0.50'; th. W 62.5'; th. N 333.33'; th. E 62.5'; th. S 0.50'; th. E 171.83'; th. S 332.33' to begin &amp; exc commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin &amp; exc commence at the Ely most cor of Lot 1; th. N along E line 207.88'; th. W 12.50' for PoB; th. S 140.51'; th. SW 76.25'; th. Wly 119.26'; th. NW 21.48'; th. N 176.40'; th. E 26.26'; th. N .50'; th. E 159.33' to begin, Blk 5</p> <p>AND</p> <p>Except commence at the SW cor of Lot 1; th. N 10.5'; th. E 10' to PoB; th. N 107.5'; th. E 77.5'; th. S 52.5'; th. E 21.5'; th. S 55'; th. W 99' to begin Blk 5</p>	Waterwalk Phase II Addition	Parcel E
<p>A tract of land in the SE/4 begin at the NW cor of Lot 1, Eastbank First Addition; th. Sly to the S line of the SE/4; th. W to river; th. Nly along Ely line of river to a point W of begin; th. E to begin exc N 125' &amp; exc Ely 16' &amp; exc Kellogg on S SE/4 20-27-1E</p>		Parcel F
<p>That portion of the following described tract located north of the north right-of-way line of Kellogg Avenue:</p> <p>Reserve A exc W 120' platted as Shirk's First Sub &amp; exc begin 120' E of the NW cor of Res A; th. E 72.51' to a point 25' Wly of the center line of MoPac r/w; th. SEly parallel to r/w 98.25'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin exc CC A-60844</p> <p>AND</p> <p>That part of Res A begin at the NE cor of Shirk's First Sub; th. E 72.51' to a point 25' W of the center line of MoPac r/w; th. SEly parallel to r/w 98.18'; th. Sly 398.87'; th. W 26.92'; th. NW 32.18'; th. W 25' to a point S of begin; th. N 488' to begin &amp; exc part platted as Waterwalk West Addition</p>	Winne's Addition	Parcel H
<p>Lot 1 exc E 133' thereof, Blk A</p> <p>AND</p> <p>E 133' of Lot 1, Blk A</p>	Wichita Ice Center Addition	Parcel J

N 65' of Lots 33, 34 & 35, Blk 4 AND S 60' of Lots 33, 34 & 35, Blk 4 AND Lots 36 & 37, Blk 4 AND Lots 38, 39 & 40, Blk 4 AND Lots 41 & 42, Blk 4	Payne's Park Addition	Parcel K
Lots 33, 34, 35 & 36, Blk 5 AND Lots 37, 38, 39 & 40, Blk 5 AND Lots 41 & 42, Blk 5	Payne's Park Addition	Parcel L
Lots 33, 34 & 35, Blk 6 AND Lots 36, 37, 39 & 40, Blk 6 exc begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38'; th. E 52.2'; th. N 16'; th. E 38'; th. S to Maple St; th. W to begin, Blk 6 AND Begin at the SW cor of Lot 39; th. NW to the NW cor of Lot 38' th. E 52.2'; th. N 16'; th. E 38'; th. S to the N line of Maple St; th. W 28.7' to begin, Blk 6	Payne's Park Addition	Parcel M
All of Block 2 & vacated street adj on S & E and All Lots 13 to 30, inclusive, & ½ vacated street adj on S and ½ vacated street adj on E, Block 3 and Lots 1 to 32, inclusive & vacated street adj on E, Block 4 AND Odd & Even Lots 1 to 32 inclusive & vacated street adj on N & ½ vacated street adj Odd Lots 1 thru 27 on E, Block 5 AND Odd & Even Lots 10 to 32 inclusive & ½ vacated street adj on W, Blk 6	Payne's Park Addition	Parcel N
That part of the SW/4 lying S of Reserve A, West Wichita Addn & lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to a point 20' E of the center line of RR r/w as now located & lying W of a line 20' E of & parallel to the center line of RR & lying E of center line of RR 20-27-1E		Parcel Q

<p>Lot 1 exc NW 10' for alley, Blk 1 AND Lot 2 exc NW 10' for alley, Blk 1 AND All Lots 3 to 8 inclusive &amp; W 15' of Lot 9 &amp; vacated street adj on S exc NW 10' for alley, Blk 1</p>	Payne's Park Addition	Parcel R
<p>W 165' m/l of Reserve A exc NW 10' for alley AND That part of Reserve A lying E of center line of RR AND That part of Lot 158 lying E of the center line of RR &amp; all Lot 160 &amp; tract 40 adj &amp; vacated alley adj on S, on Douglas Ave AND Surplus between W bank of Big River &amp; 65' E of the NW cor of Lot 160, on Douglas</p>	West Wichita Addition	Parcel T
<p>A tract in the NE Quarter of S 20, T 27- R1E, Beginning at the SSE corner of Church Park Addition, thence South to the RR ROW, west to the bank of the Arkansas River, thence North the river bank to the South line of said Addition, thence East to the Point of Beginning, Except for the North 122.4' dedicated for Street AND The former RR ROW lying south f 1<sup>st</sup> Street between Waco and the Big Arkansas River AND a parcel beginning 391.09 feet north of the SEc of Holmes' Addition on the West line of Waco; thence SWly 190.86 feet; thence South 7.95 feet; thence East 50.23 feet; thence along a curve to the left, 75.93 feet; thence along a curve to the right, 77.45 feet to a point on the West line of Waco; thence North along said West line 8.43 feet to the Point of Beginning</p>		Parcel AA
<p>Lot 5, EXCEPT the West 65 feet thereof, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street,</p>	West Wichita	Parcel BB

Lot 3, Sycamore Street, McKee's Resurvey of Lots 90, 92, 94, 96, 98, 100, Texas Avenue and Lots 2, 4, 6, 8, 10, Oak Street, West Wichita, Sedgwick County, Kansas.	West Wichita	Parcel BB
Lots 91, 93, 95, 97 and 99, Pine, now Burton Street, TOGETHER WITH Lot 1, on Sycamore Avenue, in McKee's Resurvey of Lots 90, 92, 94, 96, 98 and 100, on Texas Avenue, and Lots 2, 4, 6, 8 and 10, on Oak Street	West Wichita	Parcel BB
Lots 2, 4, 6, 8, and 10, on Burton Street, McKee's Resurvey of Lots 90-92-94-96-98-100, Texas Avenue, and Lots 2-4-6-8-10, Oak Street	West Wichita	Parcel BB
W 85' of Even Lots 2 thru 12, inclusive & ½ vacated street adj on N, Blk 3 AND Lots 1 to 12, inclusive exc W 85' of even Lots 2 to 12 & ½ vacated street adj on N & ½ vacated LaClede street adj on E, Blk 3 AND Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & E/2 vacated LaClede street adj on W & part vacated English street, Blk 6	Payne's Park Addition	Parcel O
That part of the SW/4 lying S of Reserve A, West Wichita Add'n & Lying E of Payne's Park Add'n & lying N of extended S line of Lot 9, Blk 6, Payne's Park Add'n extended E to the center line of RR r/w as now located & exc that part dedicated for street 20-27-1E		Parcel P
E 10' of Lot 9 & all Lots 10, 11, 12 & ½ vacated street adj on S, Blk 1 AND Lots 13 to 21 inclusive & ½ vacated English street adj on S, Blk 1 AND Lot 22, Blk 1	Payne's Park Addition	Parcel S

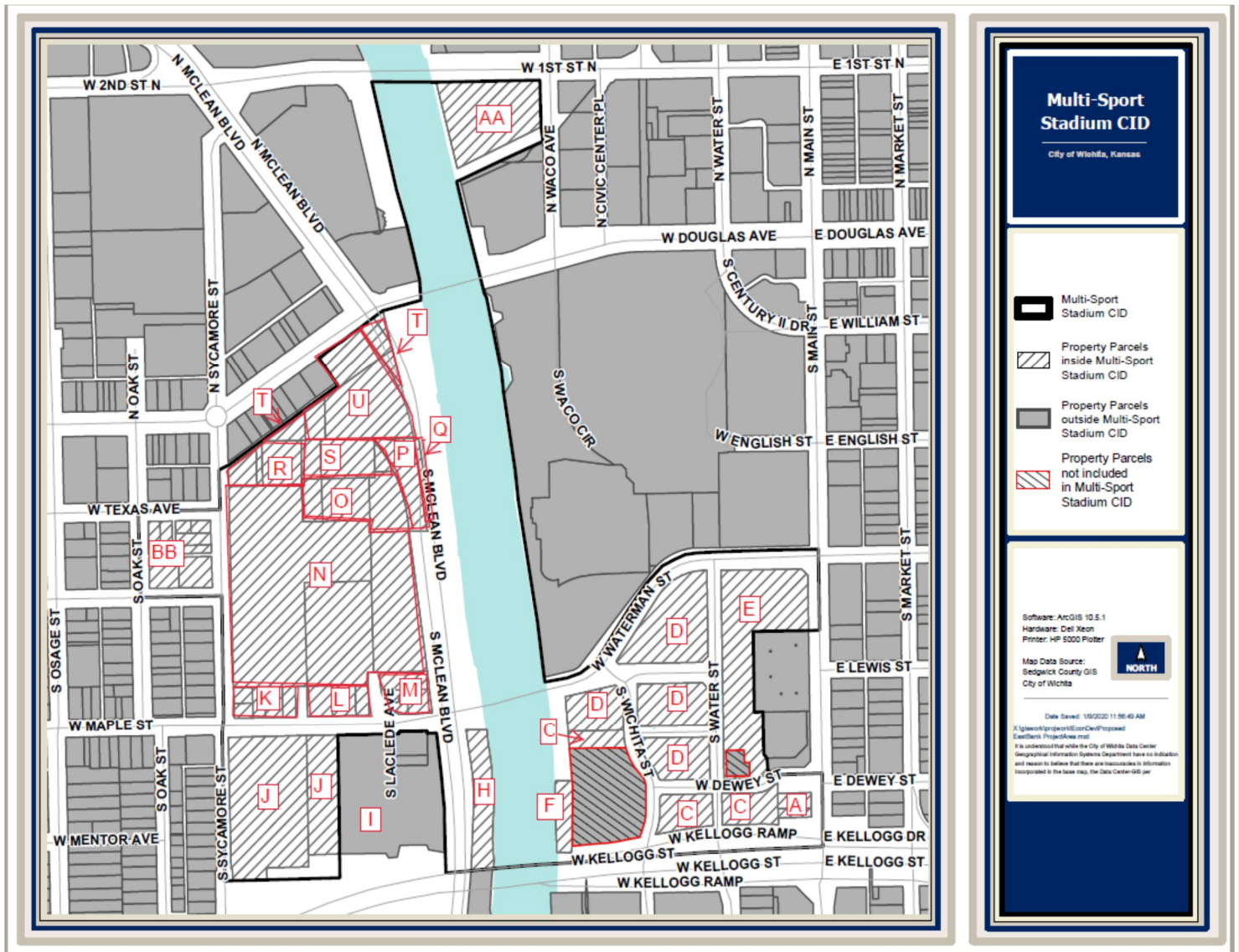
E 85' m/l of the W 250' m/l of Reserve A exc NW 10' for alley AND Reserve A exc W 250' m/l & exc that part lying E of center line of RR r/w & exc NW 10' for alley AND E 20' of Lot 142 & all Even Lots 144 to 156 & that part of Lot 158 lying W of the center line of RR & vacated alley adj on S, on Douglas Ave	West Wichita Addition''	Parcel U
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Together with those portions of the Big Arkansas River and adjacent river banks not previously described above and lying South of West 1st Street North and North of Kellogg Avenue.

## Map of Proposed District Boundaries and Property Proposed to be Added and Removed



**Map of Proposed District Boundaries and Property Proposed to be Added and Removed  
(With Parcels Labeled)**







**City of Wichita  
City Council Meeting  
January 21, 2020**

**TO:** Mayor and City Council

**SUBJECT:** 2020 Traffic Signalization Program (All Districts)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** New Business

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**Recommendation:** Approve the project and construction locations, adopt the resolution, and approve the budget.

**Background:** The Adopted 2019-2028 Capital Improvement Program (CIP) includes an ongoing project to signalize major intersections, and improve the traffic signals at existing signalized intersections.

**Analysis:** The 2020 Traffic Signalization Program will be used for design and construction of traffic signals at 37<sup>th</sup> Street North and Tyler Road, North Rock Road to serve Comotara Power Center 2<sup>nd</sup> Addition (3400-3500 Block of North Rock Road), and I-235 and West Street. Remaining funds will be used for additional sites as requested by the public or identified by staff when warrants are met.

**Financial Considerations:** The Adopted 2019-2028 CIP includes \$525,000 in 2020 for Traffic Signalization. The funding source is General Obligation bonds. Staff is requesting that the budget be initiated at this time.

**Legal Considerations:** The Law Department has reviewed and approved the resolution as to form.

**Recommendation/Actions:** It is recommended that the City Council approve the revised budget and adopt the resolution.

**Attachment:** Resolution.

## **RESOLUTION NO. 20-006**

### **A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.**

---

**WHEREAS**, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

**WHEREAS**, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

#### **2020 Traffic Signalization Program (472-2019-085517).**

(the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Project Authorization.** It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$525,000** in accordance with plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; said plans and specifications to be placed on file in the office of the City Engineer.

**Section 2. Project Financing.** All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 3. Effective Date.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

---

Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law

**City of Wichita  
City Council Meeting  
January 21, 2020**

**TO:** Mayor and City Council

**SUBJECT:** Sidewalk Maintenance Program (All Districts)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** New Business

---

**Recommendation:** Approve the budget and adopt the resolution.

**Background:** The Department of Public Works & Utilities oversees an annual program for sidewalk repairs, as provided by Charter Ordinance No. 88. Staff continually receives requests to repair uneven and/or broken sidewalk sections that may be considered trip hazards, with the cost of repairs being fully reimbursed by the abutting property owner.

**Analysis:** A new program has been developed to hire an annual on-call contractor for repair of sidewalks in a timelier manner. State statute requires that property owners receive a minimum of 30 days for the opportunity to have repairs made by a licensed contractor. With this requirement and the time needed for notification and contractor mobilization, the intent is to complete repairs as soon as possible, if repaired by the City.

**Financial Considerations:** The 2019-2028 Adopted Capital Improvement Program (CIP) includes funding of \$500,000 in 2020 for the sidewalk maintenance program, with all costs offset by direct payment from or special assessment to adjacent property owners. At this time, staff requests authorization of the full amount of the 2020 budget to continue repairs.

**Legal Considerations:** The Law Department has reviewed and approved the resolution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the budget, adopt the resolution and authorize the necessary signatures.

**Attachment:** Resolution.

**RESOLUTION NO. 20-007**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.**

---

**WHEREAS**, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

**WHEREAS**, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

**Sidewalk Maintenance (472-2019-085592)**

(the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Project Authorization.** It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$500,000** in accordance with plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; said plans and specifications to be placed on file in the office of the City Engineer.

**Section 2. Project Financing.** All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 3. Effective Date.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

---

Brandon J. Whipple, Mayor

ATTEST:

---

Karen Sublett, City Clerk

APPROVED AS TO FORM:

---

Jennifer Magaña, City Attorney and Director of Law

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Wholesale Sanitary Sewage Treatment Services with Oaklawn Improvement (Oaklawn)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** New Business

---

**Recommendation:** Approve the Wholesale Sanitary Sewage Treatment Services agreement with Oaklawn Improvement District.

**Background:** The City of Wichita has had a Wholesale Sewage Treatment agreement with the Oaklawn Improvement District since May 20, 1975. Addendums were signed in 1997 and 2002. The agreement expired in 2017. Oaklawn has requested a new 20-year agreement.

**Analysis:** In this agreement, Oaklawn agrees to install and maintain a sewage flow meter. The City of Wichita agrees to continue to treat sewage from Oaklawn and bill accordingly. The amount of sewage projected is unknown as past meters have failed therefore Wichita has billed Oaklawn at a flat rate of 8,100,000 gallons per month since 2002. As actual usage is determined, the agreement will be modified with an addendum.

**Financial Considerations:** All treated sewage will be measured by a sewage flow meter owned and maintained by Oaklawn. There are no additional financial considerations besides the amount of sewage treated.

**Legal Considerations:** The agreement has been reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the Wholesale Sanitary Sewage Treatment agreement with the Oaklawn Improvement District and authorize the necessary signatures.

**Attachment:** Service Area Agreement.



**AGREEMENT  
FOR  
WHOLESALE SANITARY SEWAGE TREATMENT SERVICES  
BETWEEN  
OAKLAWN IMPROVEMENT DISTRICT, KANSAS, AND WICHITA, KANSAS**

THIS AGREEMENT FOR WHOLESALE SANITARY SEWAGE TREATMENT SERVICE  
made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020,

By and between

THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, hereinafter called  
“WICHITA”

And OAKLAWN IMPROVEMENT DISTRICT, SEDGWICK COUNTY, KANSAS, hereinafter  
called  
“OAKLAWN”:

WITNESSETH:

WHEREAS, Wichita owns and operates the Wichita Sewer Utility, which, among other things, provides sanitary sewage treatment services; and,

WHEREAS, Oaklawn desires to continue treatment of its sewage by Wichita;

WHEREAS, the term of a prior contract between Wichita and Oaklawn has expired;

WHEREAS, it is the intent and purpose of this Agreement for Wichita to provide wholesale sanitary sewage treatment service to Oaklawn at the rates(s) and under the conditions set forth in the provisions of this agreement.

NOW THEREFORE, in view of the premises aforesaid and in consideration of the mutual covenants and good and valuable consideration herein contained, it is agreed by and between the parties as follows:

**ARTICLE I**

**Permission to Remain Connected and Right to Deliver Sewage**

- 1.1 Wichita, in accordance with the terms and conditions hereinafter contained hereby grants to Oaklawn continued permission to remain connected to Wichita’s sanitary sewer system and to discharge sewage into said system for treatment and disposal by facilities owned operated and maintained by Wichita. The actual point of connection shall continue to be maintained by Oaklawn.

## ARTICLE II

### Type of Sewage to be Discharged

- 2.1 Oaklawn agrees that it will not provide service to any significant industrial user except as provided for in this agreement. The term "significant industrial user"; shall have the meaning set out in the provisions of Section 16.22.040 of the Code of Ordinances of Wichita, as the same may exist from time to time. In order to receive sewer service from Oaklawn, a significant industrial user must first be issued an "industrial wastewater discharge permit" by Wichita. Wichita agrees not to unreasonably withhold issuance of said permits.

Oaklawn further agrees that, upon written notification from Wichita, Oaklawn will discontinue sewer service within thirty (30) days of said notification to any such industrial user for whom Wichita has not issued an industrial wastewater discharge permit here under or which has violated the terms and provisions of its industrial wastewater discharge permit issued by Wichita.

In the event Oaklawn provides water service to a significant industrial user, Oaklawn agrees to discontinue such service under the same provisions as noted herein above as an additional means of enforcing compliance.

- 2.2 Oaklawn agrees that it will not provide service to any food service establishments except as provided for in this agreement. The term "food service establishment" shall have the meaning set out in the provisions of Section 16.24.010 of the Code of Ordinances of Wichita, as the same may exist from time to time. In order to receive sewer service from Oaklawn, "a food service establishment" must first be issued a Fats, Oils and Greases (FOG) wastewater discharge permit by Wichita as set forth in Section 16.24 of the Code of Ordinances of Wichita. Wichita agrees not to unreasonably withhold issuance of said permits.
- 2.3 Oaklawn shall discharge into Wichita's sanitary sewer system only sanitary sewage, as defined by the United States Environmental Protection Agency (EPA) and Kansas Department of Health and Environment (KDHE); and Oaklawn shall not discharge any materials which are prohibited in Title 16 of the Code of Ordinances of Wichita as same may exist from time to time.
- 2.4 If a prohibited discharge, as set forth herein does occur, Oaklawn shall: a) notify Wichita immediately by telephoning Wichita's Sewage Treatment Plant No. 2 and, b) indemnify Wichita and be responsible for any and all costs of mitigation and clean-up, within or without the Wichita City limits or the service area of Oaklawn, that may be necessary due to the nature and volume of the material discharged. Further, Oaklawn shall indemnify Wichita and be responsible for any fines, penalties or judgments resulting from any such prohibited discharge.

- 2.5 Oaklawn will only deliver to Wichita for treatment sewage that has a liquid phase hydrogen sulfide level at or below 0.5 mg/L. In the event the dissolved sulfide level exceeds 0.5 mg/L, Wichita shall so notify Oaklawn and Oaklawn shall bring the dissolved sulfide level back to 0.5 mg/L or less within 72 hours of its receipt of such notice. Should Oaklawn fail to bring the dissolved sulfide levels below 0.5 mg/L within such 72 hour period, Oaklawn agrees to pay the sum of \$200 per day for each day the sulfide level exceeds 0.5 mg/L, such sum to be paid as liquidated damages and not as a penalty. Provided, however, that Oaklawn shall not be obligated to pay such sum when it can show that the reason for exceeding the dissolved sulfide level of 0.5 mg/L on any given day was due to force majeure. Force majeure, as used throughout this agreement, shall mean circumstances or causes which are outside the control of Oaklawn and which could not be avoided by the exercise of due care.

### **ARTICLE III**

#### **Metering, Rates and Billing**

- 3.1 Oaklawn shall maintain at its sole expense the sewage flow meter. Oaklawn shall have this meter calibrated to acceptable standards by a certified testing agency on at least an annual basis. Calibration and maintenance records shall be maintained by Oaklawn for a period of three (3) years following the date of service and shall be made available to Wichita as they are received by Oaklawn.
- 3.2 Wichita shall be responsible for reading the sewage flow meter and shall bill Oaklawn monthly. Rates applied shall be those applicable to similar classes of customers and shall be established currently by ordinance and as shall be amended from time to time. One and one half percent interest shall be added to any bill not paid within 25 days.

### **ARTICLE IV**

#### **Limits on Sewage Delivery**

- 4.1 Total annual sewage flows Oaklawn delivers to Wichita for treatment in any one year shall not exceed the volumes specified below:

Projected Annual Wastewater Flows In Millions of Gallons:

<b>Year</b>	<b>Average Daily Flow</b>		<b>Annual Average Flow</b>	
2020	266,302	gpd	97,200,000	Gallons
2021	266,302	gpd	97,200,000	Gallons
2022	266,302	gpd	97,200,000	Gallons
2023	266,302	gpd	97,200,000	Gallons
2024	266,302	gpd	97,200,000	Gallons
2025	266,302	gpd	97,200,000	Gallons

2026	266,302	gpd	97,200,000	Gallons
2027	266,302	gpd	97,200,000	Gallons
2028	266,302	gpd	97,200,000	Gallons
2029	266,302	gpd	97,200,000	Gallons
2030	266,302	gpd	97,200,000	Gallons
2031	266,302	gpd	97,200,000	Gallons
2032	266,302	gpd	97,200,000	Gallons
2033	266,302	gpd	97,200,000	Gallons
2034	266,302	gpd	97,200,000	Gallons
2035	266,302	gpd	97,200,000	Gallons
2036	266,302	gpd	97,200,000	Gallons
2037	266,302	gpd	97,200,000	Gallons
2038	266,302	gpd	97,200,000	Gallons
2039	266,302	gpd	97,200,000	Gallons
2040	266,302	gpd	97,200,000	Gallons

- 4.2 The peak daily flow from Oaklawn shall not exceed average daily flow by more than a factor of 2.5 times the average daily flow for more than five (5) consecutive days nor more than twenty-five (25) days in the aggregate in each year throughout the term of the agreement.

## **ARTICLE V**

### **Interruption of Sanitary Sewer Services**

- 5.1 Wichita hereby agrees to make reasonable effort to provide sanitary sewage treatment service at all times pursuant to the terms of this agreement; however, it is understood and realized by the parties hereto that Wichita's sanitary sewage treatment system might, by reason of force majeure, be temporarily interrupted.
- 5.2 Interruptions of service under such conditions or pipeline failures shall not give rise to any claim on the part of Oaklawn against Wichita or its Sewer Utility. In such cases, Wichita will use good faith efforts to restore sewer service without unreasonable delay.

## **ARTICLE VI**

### **Operation and Maintenance**

- 6.1 Oaklawn shall continue to be responsible for the installation, operation and maintenance of its sanitary sewage collection system and the sanitary sewage collection system and the sanitary sewer main to the connection point with Wichita's facilities.
- 6.2 Oaklawn shall be responsible for compliance with all applicable provision of the Clean Water Act and future additions or amendments to such Act as it pertains to Oaklawn's sewage collection system or industrial users. Failure to maintain compliance as herein

prescribed shall be grounds for termination of this contract and cessation of service by Wichita.

## **ARTICLE VII**

### **Agreement Term and Renewal**

- 7.1 The term of this agreement shall be twenty (20) years.
- 7.2 Oaklawn shall notify Wichita before the end of the sixteenth (16<sup>th</sup>) year of this agreement if Oaklawn wishes to extend this agreement.
- 7.3 If Wichita and Oaklawn fail to agree on an extension of this agreement before the end of the seventeenth (17<sup>th</sup>) year of this agreement, this agreement shall terminate at the end of the twentieth (20<sup>th</sup>) year. In the event the agreement terminates, Oaklawn shall disconnect its sanitary sewer system from Wichita's sanitary sewer facilities no later than two (2) years following termination of this agreement and Oaklawn will be responsible for providing its own sewage treatment services.
- 7.4 In the event the agreement terminates as provided in Section 7.3 above, the parties hereto agree that all provisions of this agreement shall remain in full force and effect until Oaklawn has actually disconnected from Wichita's sewer system and Oaklawn has paid all amounts due Wichita under this agreement or any amendments hereto.

## **ARTICLE VIII**

### **Notices and Mediation**

- 8.1 All notices required to be given herein, shall be in writing and shall be delivered in person or mailed by certified mail to the following addresses:

- (a) All Notices (including emergencies) to the City of Wichita:  
City Clerk  
City Hall – 13<sup>th</sup> Floor  
455 North Main  
Wichita, KS 67202

And

Director of Public Works & Utilities  
City Hall – 8<sup>th</sup> Floor  
455 North Main  
Wichita, KS 67202  
Phone: (316) 268-4497  
Fax: (316) 858-7394

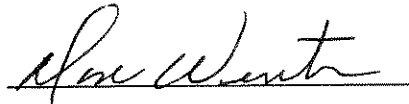
(b) Notice to the Oaklawn Improvement District:  
Oaklawn Improvement District  
2937 East Oaklawn Drive  
Wichita, KS 67216  
Phone: (316) 524-0281

8.2 In the event that negotiation of any terms and conditions takes place between the parties As called for and defined in this agreement, if no agreement can be reached as a result of such negotiation, the parties hereto agree to attempt mediation. Such mediation to take place by appointment of an individual mediator chosen from a list of names to be submitted to both parties from the Kansa League of Municipalities or other such entity as may be mutually agreed to by the parties hereto. Such mediation shall be undertaken by the parties hereto in good faith, but the same shall be non-binding.

This agreement shall be effective on the date first written above upon execution of each party hereto.

OAKLAWN IMPROVEMENT DISTRICT

CITY OF WICHITA, KANSAS



Don Winton, President

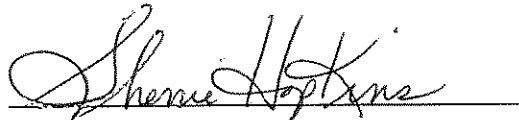


Brandon Whipple, Mayor

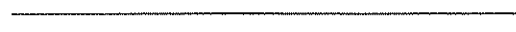
Date: 11/18/19

Date: \_\_\_\_\_

**ATTEST:**

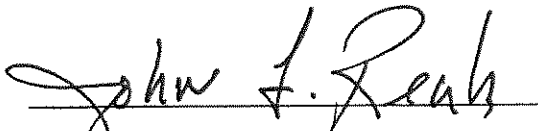


Sherri Hopkins, Clerk of the Board  
Oaklawn Improvement District



Karen Sublett, City Clerk  
City of Wichita, Kansas

**APPROVED AS TO FORM:**



Attorney  
Oaklawn Improvement District



Jennifer Magaña, Director of Law and  
City Attorney for City of Wichita, Kansas

**City of Wichita  
City Council Meeting  
January 21, 2020**

**TO:** Mayor and City Council

**SUBJECT:** 2020 Railroad Crossing Improvements (All Districts)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** New Business

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**Recommendation:** Approve the budget and adopt the resolution.

**Background:** There are approximately 185 railroad crossings within the City. The Capital Improvement Program (CIP) includes funding each year to help improve the crossings.

**Analysis:** These improvements require coordination with the following railroads:

- Burlington Northern Santa Fe Railway (BNSF)
- Union Pacific Railroad (UPRR)
- Kansas and Oklahoma Railroad (K&O)
- Wichita Terminal Association (WTA)

Most of the improvements are made by the railroads and a portion of the costs are reimbursed by the City. Some maintenance work, such as minor improvements to crossing approaches and drainage improvements, may be performed by the City's Department of Public Works & Utilities.

**Financial Considerations:** The 2019-2028 Capital Improvement Program (CIP) includes \$150,000 in 2020 of General Obligation at-large bonds for rail crossing improvements. Staff recommends initiating the full 2020 funding at this time.

**Legal Considerations:** The Law Department has reviewed and approved the resolution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the budget, adopt the resolution and authorize the necessary signatures.

**Attachment:** Resolution.

**RESOLUTION NO. 20-008**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF WICHITA, KANSAS TO PAY THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY.**

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**WHEREAS**, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State; and

**WHEREAS**, the Governing Body is authorized, pursuant to K.S.A. 13-1024c, as amended by Charter Ordinance No. 156 of the City (the “Act”) to issue general obligation bonds of the City without an election for the purpose of paying for the construction, purchase or improvement of any public improvement, including the land necessary therefore, and for the purpose of rebuilding, adding to or extending the same as the necessities of the City may require and for the purpose of paying for certain personal property therefore; and

**WHEREAS**, the Governing Body hereby finds and determines that it is necessary and advisable to make certain public improvements described as follows:

**2020 Railroad Crossing Improvements (472-2019-085593)**

(the “Project”) and to provide for the payment of all or a portion of the costs thereof by the issuance of general obligation bonds of the City pursuant to the Act.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**Section 1. Project Authorization.** It is hereby authorized, ordered and directed that the Project be acquired and/or constructed at an estimated cost of **\$150,000** in accordance with plans and specifications therefor prepared under the direction of the City Engineer and approved by the Governing Body; said plans and specifications to be placed on file in the office of the City Engineer.

**Section 2. Project Financing.** All or a portion of the costs of the Project, interest on financing and administrative and financing costs shall be financed with the proceeds of general obligation bonds of the City (the “Bonds”). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of adoption of this Resolution, pursuant to Treasury Regulation §1.150-2.

**Section 3. Effective Date.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body.



**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** HOME Program Funding; Wichita Housing Authority Rental Assistance Demonstration Project

**INITIATED BY:** Housing and Community Services Department

**AGENDA:** New Business

---

**Recommendation:** Approve issuance of a conditional commitment letter for HOME Investment Partnerships Program financing in the amount of \$1,113,950 for the Wichita Housing Authority's Rental Assistance Demonstration Project and authorize the necessary signatures.

**Background:** On February 21, 2017, the Wichita Housing Authority (WHA) Board approved submission of applications for the Rental Assistance Demonstration (RAD) program, initiating the process to convert Public Housing rental units to a project-based rental assistance platform. The conversion provides the WHA with the ability to secure private sources of capital financing, including Low-Income Housing Tax Credit (LIHTC) financing, Community Development Block Grant (CDBG) funding, and HOME Investment Partnerships Program (HOME Program) funding for the renovation of public housing properties.

On December 18, 2018, the City Council approved a Substantial Amendment to the 2018-2019 Annual Action Plan, which included commitment of \$2,675,000 in re-allocated CDBG funding and Section 108 loan repayment funds to the WHA's RAD project. The funding will be used to cover tenant relocation costs under the Uniform Relocation Act, and certain renovation costs.

**Analysis:** The WHA has received financing commitments for the RAD AMP 1 LLC project in the form of 4% Low-Income Housing Tax Credits, a Housing Trust Fund allocation from the State of Kansas, and a private bank loan. In addition, the WHA has agreed to defer its share of project developer fees and will commit capital improvement grant funds to the project. Although the project has secured \$28,826,408 in financing commitments, an additional \$1,113,950 is required to close the financing gap for the project, which involves renovation of the McLean Manor and Greenway Manor senior high-rise apartment complexes, as well as The Rosa Gragg and Bernice Hutcherson senior garden apartment sites, a total of 226 rental housing units. Staff recommends commitment of HOME Program funds in this amount for the WHA RAD conversion project. Staff proposes to re-program \$301,516 in 2018-2019 program year funding originally allocated for an affordable housing development project to be managed by the Housing and Community Services Department. Staff also proposes to commit \$406,217 in expected HOME Program funding from the each of the 2020-2021 and 2021-2022 HOME Program funding.

The proposed project is consistent with the City's Comprehensive Housing Policy, specifically, the components related to affordability, availability and neighborhood stability.

**Financial Considerations:** There is no impact to the General Fund. City HOME Program funding will be provided in the form of an interest-bearing loan at the applicable federal rate, payable from residual receipts. The total project cost is estimated to be \$29,940,358.

**Legal Considerations:** Rehabilitation of affordable rental housing is an eligible cost under the HOME

Program. A funding agreement will be drafted, approved as to form by the Law Department, and will be placed on the City Council agenda for approval on a future date.

**Recommendations/Actions:** It is recommended that the City Council approve issuance of a conditional commitment letter for HOME Investment Partnerships Program financing in the amount of \$1,113,950 for the Wichita Housing Authority's Rental Assistance Demonstration Project and authorize the necessary signatures.

**Attachment:** Conditional Commitment Letter.

January 21, 2020

Keith B. Key  
KBK Enterprises, LLC  
4249 Easton Way, Suite 220  
Columbus, OH 43219

Subject: Commitment of City of Wichita HOME Investment Partnerships Program Funding;  
RAD AMP 1 LLC

Dear Mr. Key:

KBK Enterprises, LLC, a for-profit organization (known hereafter as “Developer”), has requested commitment of HOME Investment Partnerships Program (HOME Program) funding in the amount of \$1,113,650 from the City of Wichita, for financial assistance relative to the proposed affordable housing project known as RAD AMP 1 LLC (the Project), a component of the Wichita Housing Authority’s Rental Assistance Demonstration program conversion. The project consists of the renovation of the Wichita Housing Authority’s McLean Manor and Greenway Manor senior high-rise apartment complexes and the Rosa Gragg and Bernice Hutcherson senior garden apartment complexes, a total of 226 rental housing units. Specifically, the Developer has requested that the City provide a loan of \$1,113,650 (“HOME Loan”) from moneys received by the City as a ‘Participating Jurisdiction’ (“PJ”) under the federal HOME Investment Partnerships Act and the HOME Investment Partnerships Program, in accordance with Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 12839) and the HOME Program regulations codified at 24 CFR Part 92, as amended by the “2013 HOME Final Rule” at 24 CFR Part 92 (Complete Rule):

[https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr92\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title24/24cfr92_main_02.tpl)

City of Wichita HOME Program financing is to be provided to the Developer under 24 CFR 92.504(c)(3).

The City advised the Developer of the 2013 HOME Program Final Rule, specifically the amendment to the definition of “commitment” in 24 CFR 92.2 that prohibits the City as a PJ from providing a commitment (as the term is defined therein) of HOME Program funds to any specific local project until “the [City] and project owner [Developer] have executed a written legally binding agreement under which HOME assistance will be provided to the owner for an identifiable project for which all necessary financing has been secured, a budget and schedule have been established, and underwriting has been completed and under which construction is scheduled to start no later than a date to be specified in the contract agreement.”

Notwithstanding the definition of “commitment” in 24 CFR 92.2 as amended by the 2013 HOME Final Rule, 24 CFR 92.504(c)(3) authorizes the City to “preliminarily award HOME funds for a proposed project, contingent on conditions such as obtaining other financing for the project”; however, this section goes on to clearly confirm that this letter does not constitute a

commitment to a project. The written agreement committing the HOME funds to the project must meet the requirements of ‘commit to a specific local project’ in the definition of ‘commitment’ in §92.2 ...” Thus, while this letter is not a commitment as defined under the HOME Program of federal funds for the City of Wichita as the term commitment is defined therein, the City intends that this letter evidence the City’s preliminary commitment of the requested assistance to the Developer for the Project subject to the conditions described below.

The amount of the HOME Loan to be provided to the Project has been determined, and this letter is provided and based on, the City’s review of the Developer’s preliminary development proforma and projected cash flows for the Project submitted by the Developer to the City as of October 30, 2019 (“Proforma”).

The proposed HOME Loan will have the following terms:

- \$1,113,950 initial principal amount, or as much thereof as is disbursed for hard and soft costs of actual construction/rehabilitation for the Project;
- Interest will accrue at the “Applicable Federal Rate” during the 15-year affordability period, and until such time as the loan is fully repaid.
- The HOME loan is to be repaid from residual receipts, to be defined in the HOME Program written funding agreement, with the balance due and owing on a date to be specified in the written agreement and debt instruments. Developer will have the right to prepay the loan in full at any time without penalty.

The City’s obligation to provide the HOME Loan to the Project is subject to the following conditions:

1. Submission of a full and complete funding application, including all supporting documentation and any subsequent information or documentation requested by the City in connection with such application, subject to complete review and underwriting and final approval by the City.
2. The City’s receipt of HOME Program funding for the 2020-2021 and 2021-2022 program years.
3. Execution of a HOME Program funding contract between the City of Wichita, as designated HUD ‘participating jurisdiction’ and the Developer, that more specifically describes the number and location of HOME-assisted units and authorizes the disbursement of the HOME Loan proceeds to the Developer for construction of specified housing units at the Project.
4. Compliance with the HOME Program and applicable federal regulations set forth in 24 CFR Part 92 (as amended by the 2013 HOME Final Rule) and 24 CFR Part 983.
5. Compliance with and completion of environmental review and public comment period of the Project pursuant to the U.S. Environmental Protection Agency, HUD, and the National Environmental Protection Act (“NEPA”) and approval thereof.

4. Receipt and review of Subsidy Layering Review approval from the Kansas Housing Resources Corporation by virtue of its issuance of Low Income Housing Tax Credits.
5. Determination of the number and location of designated HOME-assisted units at the Project which shall be restricted to 'HOME Rents,' as defined by HUD.
6. All Housing Units at the Project must pass Uniform Physical Condition Standards (UPCS) or the traditional Housing Quality Standards (HQS) at the completion of construction, as required by applicable HUD regulations, specifically including the HOME Program regulations as amended by the 2013 HOME Final Rule, with a Certificate of Occupancy to be issued by the Metropolitan Area Building and Construction Department.
7. The agreement shall provide that each of the following conditions precedent shall be met prior to the disbursement of any portion of the HOME Loan:
  - a. All building permits shall have been issued and the City shall have issued by the Metropolitan Area Building and Construction Department stating that building permits are ready to issue, subject only to payment of fees.
  - b. Developer shall have secured all necessary, primary financing and funding for the construction and operation of the Project. Such financing and funding shall be sufficient to pay all Project development costs, through lease-up, as set forth in a final budget consistent with the approved Proforma (or as otherwise approved by the City). Developer must provide copies of all financing agreements entered into in connection with the
  - c. Developer shall have provided evidence to the City that Developer has obtained insurance policies and certificates or endorsements therefor acceptable to the City, as described in the Agreement, reflecting the City as mortgagee.
  - d. Developer shall have provided construction security in favor of the City, which may include a completion guarantee and/or a letter of credit and/or performance bonds from the general contractor for the Project (or some combination of these), in an amount sufficient to ensure the Project will be completed and placed in service within the time set forth in the Project schedule approved by the City.
  - e. Developer shall submit and obtain City approval of the construction contract, Developer's limited partnership agreement for the limited partnership entity to be formed to own and operate the Project, and management, marketing and tenant selection plans for the Project.
  - f. Execution of a HOME Regulatory Agreement, which shall be filed of record with the Sedgwick County Register of Deeds, securing a deed restriction for all sites for HOME-assisted units.
  - g. Documentation of the prior abatement of all lead-based paint for all structures at each of the project sites, or a lead-based paint inspection report indicating there is no lead-based paint present at the site.

h. Davis-Bacon wage decision documentation

Tenant relocation plan and copies of all agreements entered into for the purpose compliance with The Uniform Relocation Act

- i. Proposed schedule of construction, reconstruction or rehabilitation acceptable to the City. Such schedule shall form the basis for written monthly progress reports appropriate to keep the City apprised of the progress of the project. Such schedule may be amended from time to time by the consent of the City.
- j. During construction, Developer shall cause demolition, construction, reconstruction or rehabilitation in a workman-like manner, free of any defects, in accordance with the plans and specifications approved by the City and the Metropolitan Area Building and Construction Department, in accordance with all applicable building codes, laws, and regulations, including the HUD Section 504 handicapped accessibility standards, Americans With Disabilities Act, and all environmental laws, particularly those related to HUD and OSHA standards.
- k. Construction budget to be approved by the City, which must include cost specifications for the HOME-assisted units, as well as common area costs attributable to the HOME-assisted units. The cost of the specific HOME-assisted units must be tracked through construction.
- l. The Developer shall not undertake construction, reconstruction or rehabilitation on a site contaminated by hazardous materials without undertaking a Phase I environmental assessment of the site in a form, scope and substance satisfactory to the City.
- m. All change orders and costs not in the City approved construction budget require prior City approval. Failure to obtain such prior approval by the Developer from the City may cause such expenses to be denied. All change orders require written justification for the change order, the dollar amount of labor, materials, overhead and profit for the general contractor and any subcontractors.
- n. The City and its agents designated by the City shall, at all times have the right during the development of the project and construction, reconstruction or rehabilitation at all sites, have the right of entry and free access to such sites and all parts thereof, and the right to inspect all work completed, labor performed, and materials furnished in or about the project and all records relative to all payments made in connection with the Project.
- o. Developer agrees to forever indemnify, release, and hold the City harmless from the date of start of construction, reconstruction or rehabilitation against all liabilities, claims, judgments, costs penalties, fines, causes of action, and expenses suffered by, incurred by, or assessed against the City whether incurred by actions of any governmental agency or entity, by any private claimant or by Developer's own actions necessary to remediate the respective sites or as the result of the presence, disturbance, discharge, release, removal, or clean-up of any hazardous materials upon the site or under the site.

8. The City's obligation to provide the HOME Loan is and shall remain subject to all covenants, conditions, and restrictions set forth by the City, and in particular the analysis of the available funding sources and development and operating costs of the Project and the overall economic feasibility of the Project.

In addition to the foregoing, notwithstanding any statement set forth in this letter or provisions of the City, the Developer and City agree and acknowledge that the AHA will not constitute a commitment of federal funds, and that such commitment of funds may occur only upon satisfactory completion of environmental review and receipt by the City, as applicable, of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58. Developer and City will further agree in the AHA that the provision of any federal funds to the Project is and shall be conditioned on the City's determination to proceed with, modify or cancel the Agreement based on the results of a subsequent NEPA environmental review and the outcome of the Subsidy Layering Review.

Developer and City are further prohibited from undertaking or committing any federal funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the environmental clearance; Developer and City understand that the violation of this provision may result in the denial of any federal funds under the Agreement.

Should you have any questions or require additional information, please contact Mark Stanberry, Community Investments Manager, by email at [mstanberry@wichita.gov](mailto:mstanberry@wichita.gov).

Sincerely,

Sally Stang, Director  
Housing & Community Services Department



City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** CON2019-00034 – Conditional Use Amendment to CON2004-00030 to Expand Area for Vehicle Sales on Property Zoned Limited Commercial (LC), Generally Located on the East Side of South Broadway Avenue and Within One-Quarter Mile South of East Harry, 1728 South Broadway (District III)

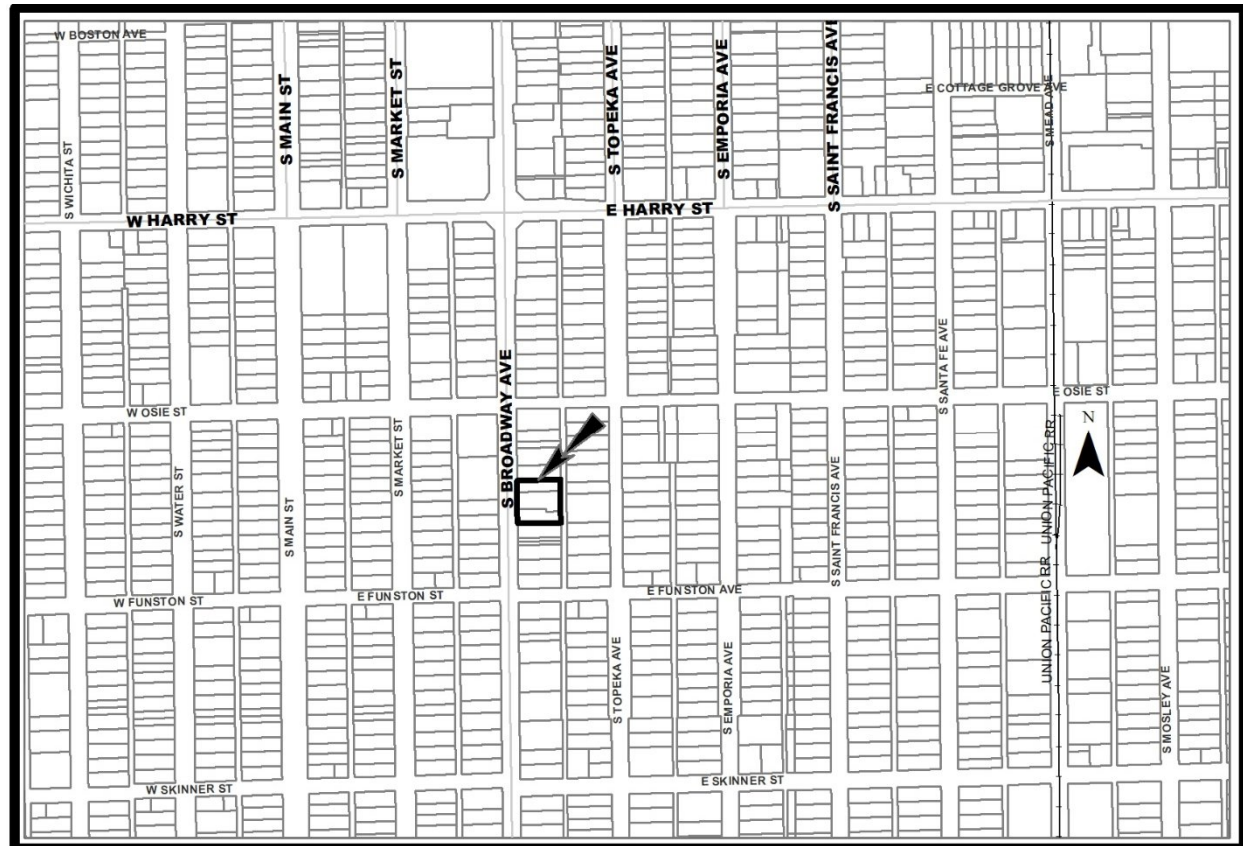
**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Non-Consent)

**MAPC Recommendation:** The MAPC recommended approval as recommended by staff (7-4).

**DAB Recommendation:** District Advisory Board III recommended denial of the request (7-2-1).

**MAPD Staff Recommendation:** Metropolitan Area Planning Department staff recommended approval of the request subject to conditions.



**Background:** The applicant is requesting a Conditional Use to expand Outdoor Vehicle and Equipment Sales from Lots 10, 12, a portion of 8 and a portion of 14 to all of Lots 6, 8, 10, 12, 14 and 16 (except the north 10 feet of east 53 feet), Block 3, Wilson's Addition. The subject properties are zoned LC Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The subject properties are located south of Harry, between Osie and Funston, on the east side of Broadway. Lots 6, 8, 14, and 16 are paved with no structures. The attached site plan shows the building at 1728 S. Broadway serving an expanded site for vehicle sales. A six-foot wood fence is shown along the east side of the site while a three-foot transitioning to six-foot wood fence is shown along the south and north sides of the site. No landscaping is shown on the site plan. The site plan shows the site being served by one centrally located drive from Broadway Avenue.

This section of Broadway consists of mixed-use development including older, pre-1930, single-family residences either still being used for single-family residences or having been converted into two-family or multi-family residential uses along Broadway. There are also some multi-family residential structures and various commercial uses including numerous car sales lots along the Broadway corridor. The zoning along this section of the Broadway corridor is LC Limited Commercial, which has allowed the commercial development to gradually displace the older single-family residential development on the corridor.

Properties east of the site, across the 20-foot alley, are zoned TF-3 Two-Family residential and are developed primarily with single-family residential uses, although there is a brick duplex directly east of the site. Properties west of the site are zoned LC Limited Commercial, with development including a bank and single-family residential structures with either single-family or multi-family uses. Properties north of the site are zoned LC Limited Commercial and are developed as a single-family residence and a car lot. Properties south of the site are zoned LC Limited Commercial and are developed as a single-family residential structure and a car sales lot across Funston.

The case was originally heard by the MAPC on October 10, 2019, where it was recommended for approval as recommended by staff (6-5).

This case was originally scheduled for the Wichita City Council on November 12, 2019. At that time, the case was deferred until December 3, 2019.

At the December 3, 2019 Wichita City Council meeting, this case was returned to MAPC following its adoption of the new South Central Neighborhood Plan.

**Analysis:** District Advisory Board (DAB) III reviewed the request on October 2, 2019, and recommended denial (7-2-1). Most of the public attending the DAB and many DAB members spoke against approving the zoning application and cited South Central's current neighborhood plan as one of their primary reasons. The plan specifically calls out the addition of any vehicle sale operations on South Broadway as highly undesirable due to the high number of existing used car lots, many of which reportedly attract blight. The DAB Memo is attached.

The Metropolitan Area Planning Commission reviewed the application for the second time on December 19, 2019. One resident spoke in opposition to the request citing the South Central Neighborhood Plan and the high number of existing used car lots.

The MAPC recommended approval as recommended by staff (7-4). The approval included the conditions stated in the attached resolution. The minutes of the MAPC hearing from October 10, 2019 and December 19, 2019 are attached.

No protest petitions were received regarding this case.

**Financial Considerations:** Approval of this request will not create any financial obligations for the City.

**Legal Considerations:** The Law Department has reviewed and approved the resolution as to form.

**Recommendation/Actions:** It is recommended that the City Council 1) adopt the findings of the MAPC and approve the conditional use amendment subject to the recommended conditions of approval (four out of seven votes required) or 2) deny the conditional use request by making alternative findings and override the MAPC recommendation (five out of seven votes required).

**Attachments:**

Site Plan

DAB Memo

Resolution

MAPC Minutes from October 10, 2019

MAPC Minutes from December 19, 2019

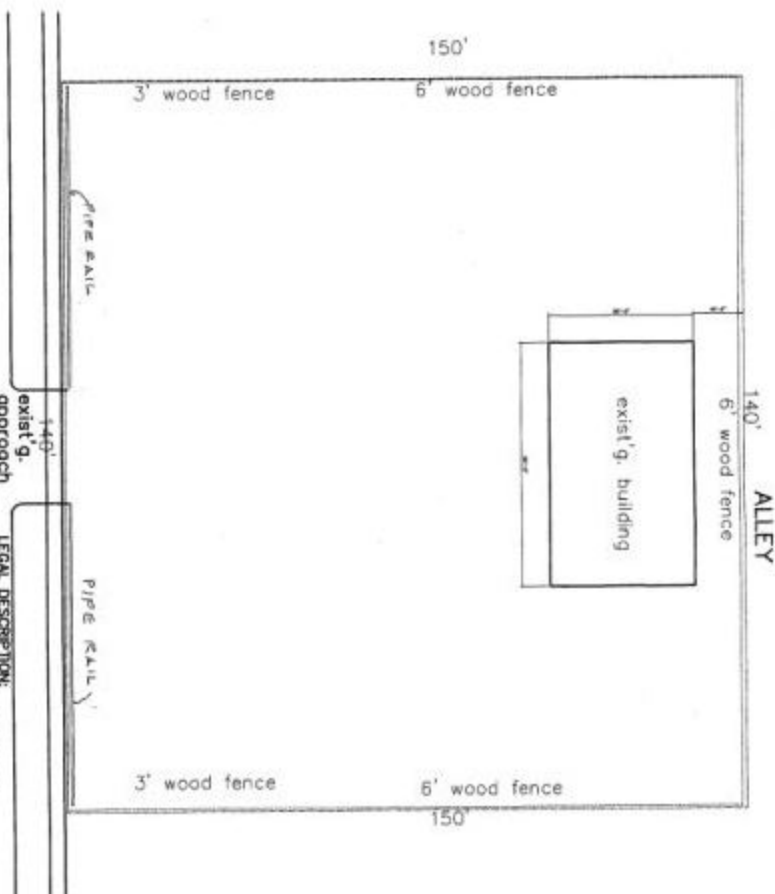
SITE PLAN  
1"=20'



BROADWAY AVE.

approach  
exist'g.

LEGAL DESCRIPTION:  
LOTS 6, 8, 10, 12, 14 & 16 except the  
north  
10 feet of the east 53 feet block  
3, Wilson, Wichita, Sedgwick  
County, Kansas.



1728 S. Broadway Ave.

SANDY ROBERTS ARCHITECT  
1950 S. WEB RD. #111  
WICHITA, KS, 67207  
- M 204 0482  
sandr@cox.net

THIS PLAN WAS PREPARED  
BY SANDY ROBERTS ARCHITECT  
AND IS SUBJECT TO THE ARCHITECT'S FEE  
SCHEDULE.

DATE: 6/7/19  
SHEET: A1  
OF: 1



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**INTEROFFICE  
MEMORANDUM**

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**TO:** MAPC  
**FROM:** Maddy Campbell  
**SUBJECT:** CON2019-00034  
**DATE:** October 3, 2019

On October 2, 2019, the District III Advisory Board considered a request on behalf of Mohsen Etezazi (applicant) and Sanford Roberts (agent) for a request for a Conditional Use to expand Outdoor Vehicle and Equipment Sales from Lots 10, 12, a portion of 8 and a portion of 14 to all of Lots 6, 8, 10, 12, 14 and 16 (except the north 10 feet of east 53 feet), Block 3, Wilson's Addition. The subject properties are zoned LC Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The subject properties are located south of Harry Street, between Osie and Funston, on the east side of Broadway Avenue. Lots 6, 8, 14, and 16 are paved with no structures. The site plan the applicant has provided shows the building at 1728 S. Broadway serving an expanded site for vehicle sales. A 6-foot wood fence is shown along the east side of the site while a 3-foot transitioning to 6-foot wood fence is shown along the south and north sides of the site. No landscaping is shown on the site plan. The site plan shows the site being served by one centrally located drive from Broadway Avenue.

This section of Broadway Avenue consists of mixed-use development including older, pre-1930, single-family residences either still being used for single-family residences or having been converted into two-family or multi-family residential uses along Broadway Avenue. There are also some multi-family residential structures and various commercial uses including numerous car sales lots along the Broadway corridor. The zoning along this section of the Broadway corridor is LC Limited Commercial, which has allowed the commercial development to gradually displace the older single-family residential development on the corridor.

Properties east of the site, across the 20-foot alley, are zoned TF-3 Two-family residential and are developed primarily single-family residential, although there is a brick duplex directly east of the site. Properties west of the site are zoned LC Limited Commercial, with development including a bank and single-family residential structures with either single-family or multi-family uses. Properties north of the site are zoned LC Limited Commercial and are developed as a single-family residence and a car lot. Properties south of the site are zoned LC Limited Commercial and are developed as single-family residential and a car sales lot across Funston.

The DAB heard the request so that Wichita residents had an opportunity to express their concerns.

The applicant/agent were not in attendance.

The DAB and public asked and made the following summarized questions and comments:

Public: The applicant ran a mechanic shop at this property and began selling cars. He brought in more and more cars to fix up and sell, and he ran out of space. He was even going to the auction to buy cars to fix up and sell at his property despite not having the necessary zoning to do so. Eventually he was busted and had to shut down.

DAB: I am unpopular with neighbors, because I was in the salvage business. There has to be a place in this town for people to sell used cars. South Broadway has always been the place to go for a used car.

DAB: The applicant is already operating used vehicle sales on adjacent property without the authority to do so. Taking the action to approve the zone change request would have no effect except to make what he is already doing legal. If he was zoned properly he might improve the property with the listed zoning conditions. Additionally, this city is car dependent. We have a horrible transit system. We have to be able to buy and sell vehicles if we are going to be auto-dependent. We need these dealers on South Broadway to clean up their act and make them look like legitimate businesses.

DAB: Listed conditions address typical nuisance issues, but you cannot expect someone from the City/County to proactively enforce them. Zoning violations are 100 percent complaint-driven.

DAB: I want to remind this body that we have 72 used car lots between Kellogg and 47<sup>th</sup> Street. Additional car lots or more cars on Broadway is considered a least desired use according to the South Central Neighborhood Plan. If we continue to do the same things on Broadway, we will continue to have the same things on Broadway. We need to get to the point where we will not allow more used car lots or any of the other things that have contributed to Broadway diminishing if we want to make progress.

DAB: Has anyone objected?

A: The planner has not gotten any phone calls.

DAB: We (the South Central Neighborhood Association) have had multiple conversations about this case and similar previous cases, and every time we conclude we do not want to approve more car lots. We have tried being sympathetic with applicants who have made promises to incorporate landscaping and other beautification, but it does not seem to ever work out that way. We do not want to have to police the listed conditions (referring to complaint-based enforcement system). Denying these applications is something South Central stands by.

Public: I have sat in multiple meetings reviewing these requests for auto sales on Broadway. I feel the public and South Central residents are frequently misled by listed conditions and promises. South Central has a plan that says no more car dealers, but MAPC continues to approve these applications. My vote is no. If you travel down South Broadway and see what is going on every day you will understand why residents do not want it.

DAB: Can he operate used auto sales on this property with his current zoning?

A: Yes.

DAB: So the only effect from this zone change would be to allow him to expand vehicle sales on this property?

A: Yes.

Public: You should not approve the zoning request for this property. If the applicant wants to sell more cars he should move to one of the larger vacant lots already zoned for that activity.

DAB: Enough is enough. The applicant had his chance when he received a zone change approval many years ago, and he did not do anything with the property. He ran a business and cheated the system the best he could until he got caught. If he wants a bigger operation, he should move down the street where it is already zoned to allow that.

DAB: (To the public) Go to the MAPC hearings and utilize the petition process to have your voices heard. If you cannot attend the MAPC hearing, you need to get everyone you know in the area to email the planning commissioners and flood the meeting room.

DAB: The applicant already has signage and his lots are totally paved. We are not introducing a new car lot to South Broadway. All we are talking about is cleaning up paperwork for business that already exists. In this case, I am in favor of supporting his business.

DAB: You should consider that you are trying to restrict people from creating businesses that employ people. Without these businesses, those properties are at risk of being vacant and blighted. At least some of these business owners take pride in their properties and operations.

Public: This applicant has historically broken the rules.

In summary: Most of the public and many DAB members spoke against approving the zoning application and cited South Central's current Neighborhood Plan as one of their primary reasons. The Plan specifically calls out the addition of any vehicle sale operations on South Broadway as highly undesirable due to the high number of existing used car lots, many of which reportedly attract blight. Many in the group feel unfavorable toward the applicant because of his purported history of "cheating the system" by selling vehicles without the appropriate zoning, and they view his lack of attendance at the DAB meeting as a strike against his accountability as a responsible neighbor to the area. A few DAB members spoke in favor of approving the application. Their reasoning is that vehicle sales are already occurring at the property and passing the zoning with listed conditions would hold the property owner to higher standards and give the City more control with enforcement efforts.

David Robbins motioned to *approve* the application with listed conditions. Seconded by Bruce Gass.

Jared Cerullo made a substitute motion to *reject/deny* the application citing resident opposition and the absence of the agent/applicant at the DAB meeting. Ron Tracy seconded.

DAB discussed making a second substitute motion to defer action to allow the agent/applicant to attend and address concerns at next month's DAB meeting. Motion failed after discussion noted that a deferral would be viewed as a "no vote" by MAPC, and because MAPC would not then also defer their vote to wait for DAB feedback.

DAB voted on Cerullo's substitute motion to *deny* the application with listed conditions.

**Action Taken:** Substitute motion made by **Jared Cerullo** and seconded by **Ron Tracy** to **DENY** the application with listed conditions. Motion to **DENY PASSED 7-2-1**.

Respectfully submitted,  
Maddy Campbell, Community Services Representative – District III

**EXCERPT MINUTES OF THE OCTOBER 10 2019, WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION MEETING**

**4.1 Case No. CON2019-00034** – City Conditional Use Amendment to CON2004-00030 to expand area for vehicle sales on property zoned LC Limited Commercial, generally located on the east side of South Broadway Avenue and within one-quarter mile south of East Harry Street (1728 South Broadway), and described as:

S 10 FT LOT 8-ALL LOTS 10-12 & N 10 FT E 52 FT LOT 14 BLOCK 3 WILSON'S  
ADDITION

**BACKGROUND:** The applicant is requesting a Conditional Use to expand Outdoor Vehicle and Equipment Sales from Lots 10, 12, a portion of 8 & a portion of 14 to all of Lots 6, 8, 10, 12, 14 & 16 (except the north 10 feet of east 53 feet), Block 3, Wilson's Addition. The subject properties are zoned LC Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The subject properties are located south of Harry, between Osie & Funston, on the east side of Broadway. Lots 6, 8, 14, & 16 are paved with no structures. The site plan the applicant has provided shows the building at 1728 S. Broadway serving an expanded site for vehicle sales. A 6-foot wood fence is shown along the east side of the site while a 3-foot transitioning to 6-foot wood fence is shown along the south and north sides of the site. No landscaping is shown on the site plan. The site plan shows the site being served by one centrally located drive from Broadway Avenue.

This section of Broadway consists of mixed-use development including older, pre-1930, single-family residences either still being used for single-family residences or having been converted into two-family or multi-family residential uses along Broadway. There are also some multi-family residential structures and various commercial uses including numerous car sales lots along the Broadway corridor. The zoning along this section of the Broadway corridor is LC Limited Commercial, which has allowed the commercial development to gradually displace the older single-family residential development on the corridor.

Properties east of the site, across the 20-foot alley, are zoned TF-3 Two-family residential and are developed primarily single-family residential, although there is a brick duplex directly east of the site. Properties west of the site are zoned LC Limited Commercial, with development including a bank and single-family residential structures with either single-family or multi-family uses. Properties north of the site are zoned LC Limited Commercial and are developed as a single-family residence and a car lot. Properties south of the site are zoned LC Limited Commercial and are developed as single-family residential and a car sales lot across Funston.

**CASE HISTORY:** The Wilson's Addition was recorded with the Register of Deeds April 9, 1887. A Conditional Use, CON2003-49, for this larger site was approved by the MAPC at their January 8, 2003 meeting. The applicant felt like he could not meet the conditions of CON2003-49 and withdrew his request following approval. At that time, Lots 10 and 12 were not developed. There were no recorded protests to CON2003-49.

A Conditional Use, CON2004-30 for the current, smaller site was approved by the MAPC at their October 7, 2004 meeting. There were no recorded protests to CON2004-30.

An Administrative Adjustment to reduce the compatibility setback along the east property line of Lots 10



& 12 from 25 feet to 20 feet measured to the center of the alley, BZA2004-00040, was approved May 4, 2004.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Single-family, Car sales
SOUTH:	LC	Single-family, Car sales
EAST:	TF-3	Single-family, Duplex
WEST:	LC	Bank, Single-family, Multi-family

**PUBLIC SERVICES:** Normal municipal services are available. South Broadway Avenue is a paved four-lane arterial.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Future Land Use Map of the South Central Neighborhood Plan identifies this site as appropriate for “Mixed-Use Commercial”. Used car lots are described as a “least desirable land use”.

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investment Plan, identifies this site as appropriate for “commercial”. These areas are described as encompassing the full diversity of commercial development intensities and types typically found in a large urban municipality. This site conforms to this designation.

**RECOMMENDATION:** Based upon information available prior to the public hearings, staff recommends that the request be APPROVED, subject to the following conditions:

1. The approval of CON2019-00034 will void CON2004-00030.
2. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code shall be met.
3. In addition to uses permitted in the “LC” Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business.
4. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining “GC” General Commercial zoning.
5. Parking spaces for employees and customers shall be provided on the property as required by the UZC and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.

8. A revised landscape plan shall be submitted showing a landscaped street yard and landscape buffer along the alley, which shall be provided and maintained on the property as approved by the Planning Director.
9. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, and prior to operation of a vehicle sales lot on the expanded footprint. The site plan shall include the current 6-foot wooden, stockade type fence, all lighting, including those on the building, the pole fence along the Broadway Avenue frontage, the location and size of the office and garage space within the current building, approved signage and solid screening around the trash receptacle.
10. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed prior to the operation of a vehicle sales lot on the expanded footprint.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses including used car sales. Most of the property along Broadway is zoned “LC” Limited Commercial or “GC” General Commercial, with residential zoning limited to areas along the streets east and west of Broadway. The proposed used car lot is consistent with the zoning, uses, and character of the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned “LC” Limited Commercial. The property is apparently suitable for commercial uses to which it has been restricted; however, used car sales is an established use on the site and can be suitable for the expanded property if developed according to the recommended conditions of approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects should be minimized by the recommended conditions of approval which would limit signage, lighting, noise, and display area practices from adversely impacting nearby property.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The adopted Future Land Use Map of the South Central Neighborhood Plan identifies this site as appropriate for “Mixed-Use Commercial”. Used car lots are described as a “least desirable land use”.

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investment Plan, identifies this site as appropriate for “commercial”. These areas are described as encompassing the full diversity of commercial development intensities and types typically found in a large urban municipality. This site conforms to this designation.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

**DAVE YEAROUT, PLANNING STAFF**, presented the staff report. He noted that there is an existing car lot on the center lot of the application area. The applicant is seeking to expand his existing sales lot. **YEAROUT** noted that the South Central Plan does not support additional car sales lots.

**HARTMAN** asked about the site plan, and was told that if this application is approved, they will need to submit a landscape plan to address the east side of the property where across the alley from residential zoning.

**SANDY ROBERTS, 1950 SOUTH WEBB ROAD, AGENT**, commented they will supply a landscape plan if the request is approved and he was in agreement with the recommended conditions of approval.

**JANET PRICE, PRESIDENT OF SOUTH CENTRAL NEIGHBORHOOD ASSOCIATION, 2010 SOUTH WATER STREET**, noted that the neighborhood is opposed to the request. They do not want to add another car lot. They already have about 70 car sales lots in the area. They want a new image for the neighborhood. The existing plan recommends against new sales lots.

**WARREN** asked how they hoped to get other kinds of businesses in the neighborhood. How is this property owner supposed to make use of his land if this is the only use interested in being there.

**PRICE** that is what everyone is working on with the new plan.

**DOOL** asked what is on the lots now; **PRICE** replied nothing but weeds.

**McKAY, MILES**, noted that he had received three or four e-mails. **McKAY** added that one way to address the issue is to put a time limit on the approval. Approve the request for three years. At the end of three years the applicant would need to come back to get an extension of time. That would give the neighborhood time to see if they can get other uses interested in the area.

**FOSTER** noted that no use is not good. A limited time approval is helpful.

**B. JOHNSON** recognized that there are a lot of car lots on south Broadway, some of them better than others. The proposal puts more restrictive requirements on this lot than on the others. If we start doing that maybe that will get the others to improve their lots.

**GREENE** noted that there already is a car lot, this is just an expansion of an existing lot.

**YEAROUT** confirmed that there is an existing lot. The request is to expand the existing lot and to replace the existing development standards on the center lot with the proposed development standards for all three lots.

**MOTION:** Approve subject to the conditions contained in the staff report with a new condition that allows the use for three years; at which time the applicant needs to return to obtain additional time with conditional use approval.

**McKAY** moved, **DOOL** seconded the motion.

**SUBSTITUTE MOTION:** Approve per staff recommendations.

**J. JOHNSON** moved, **B. JOHNSON** seconded the motion, and it passed (6-5). Deny:  
**MILES, DOOL, McKAY, ? and ?**

**EXCERPT MINUTES OF THE DECEMBER 19, 2019, WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING COMMISSION MEETING**

- 4.3      Case No. CON2019-00034** – City conditional use amendment to CON2004-00030 to expand area for vehicle sales on property zoned LC Limited Commercial, generally located on the east side of South Broadway Avenue and within one-quarter mile south of East Harry Street (1728 South Broadway), and described as:

S 10 FT LOT 8-ALL LOTS 10-12 & N 10 FT E 52 FT LOT 14 BLOCK 3 WILSON'S  
ADDITION

**WILLIAMS, PLANNING STAFF**, noted that this was a rehearing.

**BACKGROUND:** This case was originally scheduled for the Wichita City Council on November 12, 2019. At that time, the case was deferred until December 3, 2019. On December 3, 2019, the action of the Council was to return the request to MAPC following adoption of the new South Central Neighborhood Plan.

The applicant is requesting a Conditional Use to expand Outdoor Vehicle and Equipment Sales from Lots 10, 12, a portion of 8 & a portion of 14 to all of Lots 6, 8, 10, 12, 14 & 16 (except the north 10 feet of east 53 feet), Block 3, Wilson's Addition. The subject properties are zoned LC Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the LC zoning district.

The subject properties are located south of Harry, between Osie & Funston, on the east side of Broadway. Lots 6, 8, 14, & 16 are paved with no structures. The site plan the applicant has provided shows the building at 1728 S. Broadway serving an expanded site for vehicle sales. A 6-foot wood fence is shown along the east side of the site while a 3-foot transitioning to 6-foot wood fence is shown along the south and north sides of the site. No landscaping is shown on the site plan. The site plan shows the site being served by one centrally located drive from Broadway Avenue.

This section of Broadway consists of mixed-use development including older, pre-1930, single-family residences either still being used for single-family residences or having been converted into two-family or multi-family residential uses along Broadway. There are also some multi-family residential structures and various commercial uses including numerous car sales lots along the Broadway corridor. The zoning along this section of the Broadway corridor is LC Limited Commercial, which has allowed the commercial development to gradually displace the older single-family residential development on the corridor.

Properties east of the site, across the 20-foot alley, are zoned TF-3 Two-family residential and are developed primarily single-family residential, although there is a brick duplex directly east of the site. Properties west of the site are zoned LC Limited Commercial, with development including a bank and single-family residential structures with either single-family or multi-family uses. Properties north of the site are zoned LC Limited Commercial and are developed as a single-family residence and a car lot. Properties south of the site are zoned LC Limited Commercial and are developed as single-family residential and a car sales lot across Funston.

District Advisory Board (DAB) III reviewed the request on October 2, 2019, and recommended denial (7-2-1). Most of the public attending the DAB and many DAB members spoke against approving the zoning application and cited South Central's current Neighborhood Plan as one of their primary reasons. The Plan specifically calls out the addition of any vehicle sale operations on South Broadway as highly undesirable due to the high number of existing used car lots, many of which reportedly attract blight.

The Metropolitan Area Planning Commission reviewed the application on October 10, 2019. The President of the South Central Neighborhood Association spoke in opposition to the request citing the South Central Neighborhood Plan and the high number of existing used car lots. The MAPC recommended approval as recommended by staff (6-5).

**CASE HISTORY:** The Wilson's Addition was recorded with the Register of Deeds April 9, 1887. A Conditional Use, CON2003-49, for this larger site was approved by the MAPC at their January 8, 2003 meeting. The applicant felt like he could not meet the conditions of CON2003-49 and withdrew his request following approval. At that time, Lots 10 and 12 were not developed. There were no recorded protests to CON2003-49.

A Conditional Use, CON2004-30 for the current, smaller site was approved by the MAPC at their October 7, 2004 meeting. There were no recorded protests to CON2004-30.

An Administrative Adjustment to reduce the compatibility setback along the east property line of Lots 10 & 12 from 25 feet to 20 feet measured to the center of the alley, BZA2004-00040, was approved May 4, 2004.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Single-family, Car sales
SOUTH:	LC	Single-family, Car sales
EAST:	TF-3	Single-family, Duplex
WEST:	LC	Bank, Single-family, Multi-family

**PUBLIC SERVICES:** Normal municipal services are available. South Broadway Avenue is a paved four-lane arterial.

**CONFORMANCE TO PLANS/POLICIES:** The adopted Future Land Use Map of the South Central Neighborhood Plan identifies this site as appropriate for "Mixed-Use Commercial". Used car lots are described as a "least desirable land use".

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investment Plan, identifies this site as appropriate for "commercial". These areas are described as encompassing the full diversity of commercial development intensities and types typically found in a large urban municipality. This site conforms to this designation.

**RECOMMENDATION:** Based upon information available prior to the public hearings, staff recommends that the request be APPROVED, subject to the following conditions:

1. The approval of CON2019-00034 will void CON2004-00030.
2. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code shall be met.
3. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pickups. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business.

4. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining “GC” General Commercial zoning.
5. Parking spaces for employees and customers shall be provided on the property as required by the UZC and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
7. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
8. A revised landscape plan shall be submitted showing a landscaped street yard and landscape buffer along the alley, which shall be provided and maintained on the property as approved by the Planning Director.
9. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, and prior to operation of a vehicle sales lot on the expanded footprint. The site plan shall include the current 6-foot wooden, stockade type fence, all lighting, including those on the building, the pole fence along the Broadway Avenue frontage, the location and size of the office and garage space within the current building, approved signage and solid screening around the trash receptacle.
10. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed prior to the operation of a vehicle sales lot on the expanded footprint.
11. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is that of mixed-use development consisting of single-family and multi-family residential development and various commercial uses including used car sales. Most of the property along Broadway is zoned “LC” Limited Commercial or “GC” General Commercial, with residential zoning limited to areas along the streets east and west of Broadway. The proposed used car lot is consistent with the zoning, uses, and character of the area.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned “LC” Limited Commercial. The property is apparently suitable for commercial uses to which it has been restricted; however, used car sales is an established use on the site and can be suitable for the expanded property if developed according to the recommended conditions of approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental effects should be minimized by the recommended conditions of approval which would limit signage, lighting, noise, and display area practices from adversely impacting nearby property.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The adopted Future Land Use Map of the South Central Neighborhood Plan identifies this site as appropriate for “Mixed-Use Commercial”. Used car lots are described as a “least desirable land use”.

The Future Land Use Map of the adopted Wichita-Sedgwick County Comprehensive Plan, the Community Investment Plan, identifies this site as appropriate for “commercial”. These areas are described as encompassing the full diversity of commercial development intensities and types typically found in a large urban municipality. This site conforms to this designation.

5. Impact of the proposed development on community facilities: The use of this property should have limited impact on community facilities.

**RICHARDSON** stated staff was recommending approval of only the middle lot or the adjacent lots. Asked if the applicant had been using the two lots in violation of the code for several years.

**WILLIAMS** explained that since the center lot is an existing use that has an approved existing conditional use staff is recommending the expansion of the use. He showed on the aerial map how the application is comprised of three lots. The center lot has the existing approved conditional use for vehicle sales. The applicant is requesting approval of the use on the north to the north of the center lot and to the south of the center lot.

**WILLIAMS** stated he had been told the applicant has used to the two lots in the past. A violation was reported. That is the reason for the current application. Currently he is not working of the two lots.

**SANDY ROBERTS, 1950 SOUTH WEBB ROAD, AGENT**, noted that since the original meeting he has submitted landscape plans.

**MATTHEW JOHNSON, 1106 SOUTH WACO**, stated he was there to support the neighborhood plan that calls for no new or expansion of car lots. He noted that the neighborhood has been working to bring other uses into the neighborhood.

**RICHARD ?, GRANDVIEW HHEIGHTS**, spoke in support of the neighborhood plan and encouraged the commission to deny the request. He reported that there are 74 existing vehicle sales lots along South Broadway now.

**RICHARDSON** posited that the application has been denied. That leaves a large empty paved lot. What does the speaker see going in there. Economically it does not look to the commission like there is a shortage of vacant land available for development. There are few new buildings being built on the vacant



land. It makes more sense to convert existing buildings to viable uses as opposed to new commercial construction. If the application area sits there empty, what is the neighborhoods vision.

**RICHARD ?** responded that when there is a line drawn by a neighborhood that should be recognized. Failure to follow the neighborhood's desires hampers the neighborhood's efforts to change the area. The abundance of car lots in this area is based upon the notion that it is better to be closer to your competition. It is ludicrous that there is any merit to that idea.

**B. JOHNSON** commented that this same discussion occurred when they recently considered the South Central Neighborhood Plan and it was decided then because the neighborhood was not interested in the compromise policy that the commission would consider vehicle sales lot applications on a case by case basis. It is an existing lot and he does not want just grass growing up on an empty lot.

**BLICK** stated he was going to support the neighborhood plan.

**ROBERTS** clarified that the middle lot is a legal sales lot, they only want to expand to the north and south lots.

**WILLIAMS** in response to a question, explained that the original application was in 2003 and was for the current application area, but the applicant never completed the process to perfect the zoning. In 2004 they refiled an application but only for the single lot. He does not know if the current owner was involved with the earlier applications (and the agent did not know as well).

**WARREN** noted that this is an existing business so he will vote in favor of the request.

**MOTION:** To approve per staff recommendation.

**B. JOHNSON** moved, **GREENE** seconded the motion.

**SUBSTITUTE MOTION:** To deny.

**MILES** moved, **BLICK** seconded the motion, and it failed (4-7). Deny: **WARREN, GREENE, RICHARDSON, GROSS, NICKS, FOSTER** and **B. JOHNSON**.

**VOTE ON ORIGINAL MOTION CARRIED (7-4).** Deny: **DOOL, MILES, BLICK** and **FLORENCE**.

## **RESOLUTION NO. 20-016**

A RESOLUTION AUTHORIZING A CONDITIONAL USE TO PERMIT OUTDOOR VEHICLE AND EQUIPMENT SALES ON PROPERTY ZONED LIMITED COMMERCIAL AT 1728 SOUTH BROADWAY AVENUE, IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975 AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS:

**SECTION 1.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, for a Conditional Use to allow Outdoor Vehicle and Equipment Sales on property zoned Limited Commercial legally described below:

### **Case No. CON2019-00034**

A Conditional Use to permit "Outdoor Vehicle and Equipment Sales," on property zoned Limited Commercial at 1728 South Broadway Avenue, and legally described as:

All Lots 6, 8, 10, 12, 14 and 16 except the north 10 feet of the east 52 feet, Block 3, Wilson Addition, Wichita, Sedgwick County, Kansas.

### **SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. The approval of CON2019-00034 will void CON2004-00030.
- B. All requirements of Article III, Section III.D.6.x. of the Unified Zoning Code shall be met.
- C. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business.
- D. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.
- E. Parking spaces for employees and customers shall be provided on the property as required by the UZC and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless the vehicle is driven by an employee. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business unless additional parking spaces for such businesses are provided per a revised site plan approved by the Planning Director.
- F. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
- G. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
- H. A revised landscape plan shall be submitted showing a landscaped street yard and landscape buffer along the alley, which shall be provided and maintained on the property as approved by the Planning Director.
- I. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable, and prior to operation of a vehicle sales lot on the expanded footprint. The site plan shall include the current 6-foot wooden, stockade type fence, all lighting, including those on the building, the pole fence along the Broadway Avenue frontage, the location and size of the office and garage space within the current building, approved signage and solid screening around the trash receptacle

- J. The site shall be developed in general conformance with the approved site plan and landscape plan. All improvements shown on the approved site plan and landscape plan shall be completed prior to the operation of a vehicle sales lot on the expanded footprint.
- K. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- L. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

**SECTION 2.** That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the “Official Zoning District Map” on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION 3.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED this 21st day of January, 2020.

\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form: \_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law

CMB'S FOR January 21, 2020

<u>Renew</u>	<u>2020</u>	<u>Consumption On Premises</u>
Kirk Keling	Bricktown Brewery**	2142 N. Tyler Rd
Frank English	Prost**	2721 E. Central, #101
<u>Renew</u>	<u>2020</u>	<u>Consumption Off Premises</u>
Amzad Chowdhury	PP Station***	2601 N. Broadway Ave

\*\* General/Restaurant (need 50% or more gross revenue from sale of food)

\*\*\* Retailer (Grocery stores, convenience stores, etc.)

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Petition for Improvements to Serve Northgate 3rd Addition (District VI)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

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**Recommendation:** Approve the petition and budget, and adopt the resolution.

**Background:** The petition is a requirement for new plat and is valid per Kansas Statute 12-6a01. The signatures on the petition represent 100% of the improvement district.

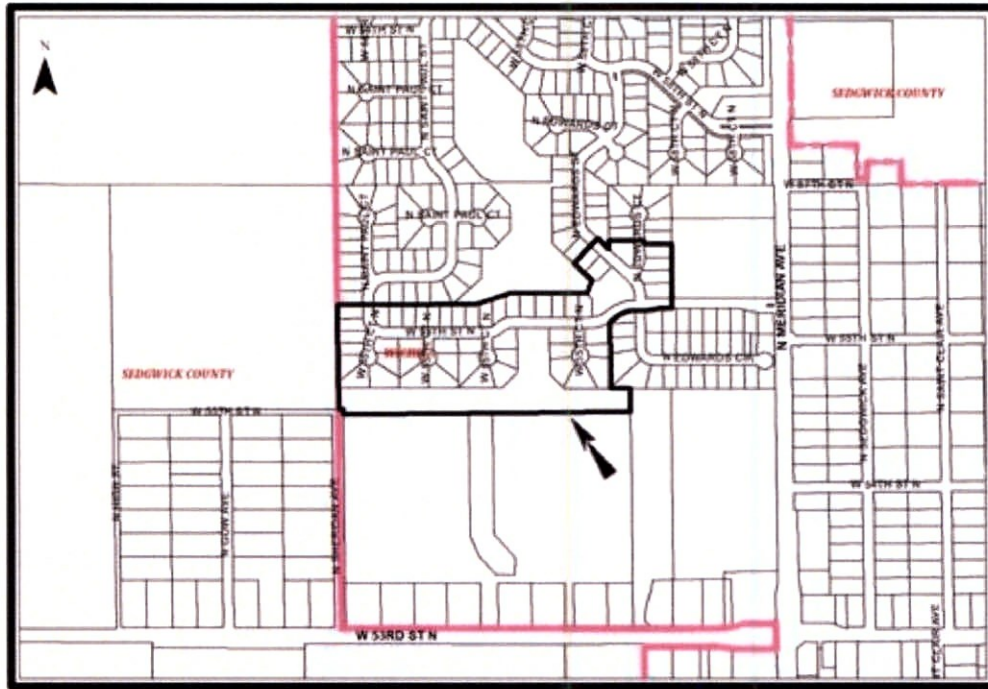
**Analysis:** The project will provide sewer improvements required for a new residential development located north of 53<sup>rd</sup> Street North, west of Meridian.

**Financial Considerations:** The petition total for the sanitary sewer improvements is \$266,000. The funding source for the projects is 100% special assessment.

**Legal Considerations:** The Law Department has reviewed and approved the petition and resolution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the petition and budget, adopt the resolution, and authorize the necessary signatures.

**Attachments:** Map, petition, and resolution.



468-2019-023955

**PETITION**  
**(PHASE I SANITARY SEWER IMPROVEMENTS - NORTHGATE 3<sup>RD</sup> ADDITION**  
**WICHITA, SEDGWICK COUNTY, KANSAS)**

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being the owners of record of more than one-half of the area liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.* (the "Act").

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: **\$266,000.00**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**NORTHGATE 3<sup>RD</sup> ADDITION**

Lots 7 through 30, Block A

Lots 1, 4 through 9, Block B

Lots 1 through 6, Block C

(d) The proposed method of assessment is equally per lot.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

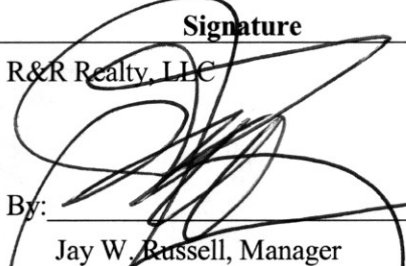
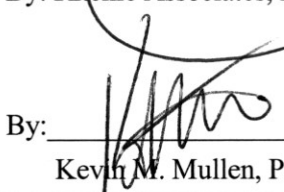
(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

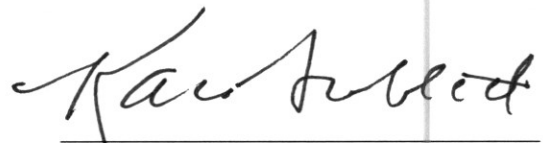
5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
R&R Realty, LLC By:  Jay W. Russell, Manager	<u>10/21/19</u>	<b>Northgate 3<sup>rd</sup> Addition</b> Lots 7 through 30, Block A Lots 1, 4 through 9, Block B Lots 1 through 6, Block C
By:  Kevin M. Mullen, President	<u>10/21/19</u>	

\*\*\*\*\*

THIS PETITION was filed in my office on 10-31-19.



  
Deputy City Clerk



## NORTHGATE 3RD ADDITION

Wichita, Sedgwick County, Kansas

### SANITARY SEWER PETITION

**Benefit District: (37 Lots)**

Block A: Lots 7- 30, Northgate 3rd Addition  
Block B: Lots 1, 4-9, Northgate 3rd Addition  
Block C: Lots 1-6, Northgate 3rd Addition

**Cost Estimate**

Item	Quantity	Unit	Unit Price	Amount
8" Pipe	3000	L.F.	\$25.00	\$75,000.00
Manhole	13	EA.	\$3,500.00	\$45,500.00
Risers	15	EA.	\$1,200.00	\$18,000.00
Stubs	4	EA.	\$300.00	\$1,200.00
Connect to Existing	3	EA.	\$1,000.00	\$3,000.00
Flowable Fill	100	L.F.	\$50.00	\$5,000.00
Construct Outside Drop	5	EA.	\$2,000.00	\$10,000.00
Abandon Ex. Risers	4	EA.	\$1,000.00	\$4,000.00
Dewatering	1	L.S.	\$20,000.00	\$20,000.00
Seeding & Erosion Control	1	L.S.	\$5,000.00	\$5,000.00
Site Clearing and Restoration	1	L.S.	\$10,000.00	\$10,000.00
<b>Subtotal</b>				\$196,700.00
+ 35% Design, Insp., & Administration				\$68,845.00
<b>Total</b>				\$265,545.00

<b>Petition Amount</b>	<b>\$266,000</b>
<b>Total Project</b>	<b>\$266,000</b>
<b>Average Cost Per Lot</b>	<b>\$7,189.19</b>
<b>Average Monthly Assessment</b>	<b>\$50 (Based on 15 years @ 3%)</b>
<b>Average Monthly Assessment</b>	<b>\$53 (Based on 15 years @ 4%)</b>

(Published in the *Wichita Eagle*, on January 24, 2020)

# **RESOLUTION NO. 20-009**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PHASE 1 SANITARY SEWER IMPROVEMENTS–NORTHGATE 3RD ADDITION/NORTH OF 53<sup>RD</sup>, WEST OF MERIDIAN) (468-2019-023955).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.**

(b) The estimated or probable cost of the proposed Improvements is: **\$266,000.00**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

## **NORTHGATE 3<sup>RD</sup> ADDITION**

**Lots 7 through 30, Block A**

**Lots 1, 4 through 9, Block B**

**Lots 1 through 6, Block C**

(d) The proposed method of assessment is: **equally per lot.**

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis.

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Petitions for Improvements to Serve Casa Bella 2nd Addition (District II)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

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**Recommendation:** Approve the petitions and budgets, and adopt the resolutions.

**Background:** The petitions are a requirement for new development and are valid per Kansas Statute 12-6a01. The signatures on the petitions represent 100% of the improvement district.

**Analysis:** The projects will provide water, sanitary sewer and paving improvements required for a new residential development located north of Pawnee, west of 127th Street East.

**Financial Considerations:** The petition total for the water improvements is \$85,000. The petition total for the sanitary sewer improvements is \$102,000. The petition total for the paving improvements is \$378,000. The funding source for the projects is 100% special assessment.

**Legal Considerations:** The Law Department has reviewed and approved the petitions and resolutions as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the petitions and budgets, adopt the resolutions, and authorize the necessary signatures.

**Attachments:** Petitions, and resolutions.

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PETITION 448-2019-022468  
**WATER DISTRIBUTION IMPROVEMENTS PHASE 7 – CASA BELLA 2<sup>nd</sup> ADDITION, WICHITA,  
SEDGWICK COUNTY, KANSAS**

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.*

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve the Improvement District defined below

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer

(b) The estimated or probable cost of the proposed Improvements is: \$85,000 (Eighty-Five Thousand Dollars), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

Lots 5 - 9, Block 4 and Lots 1 - 22, Block 8: Casa Bella 2nd Addition, Wichita, Sedgwick County, Kansas.

(d) The proposed method of assessment is: equally per lot (27 lots).

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.


(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

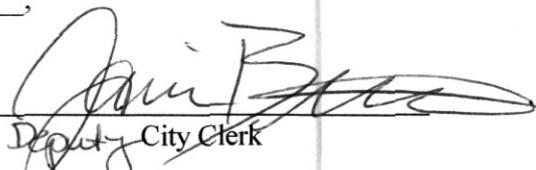
5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
	10/21/19	Lots 5-9, Block 4 & Lots 1-22, Block 8: Casa Bella <sup>2nd</sup> Addition, Wichita, Sedgwick County, Kansas. EU. 11/1/20

\*\*\*\*\*

THIS PETITION was filed in my office on 10/22/19 ;



  
Deputy City Clerk

468-2019-022469

**PETITION**  
**SANITARY SEWER IMPROVEMENTS PHASE 7 – CASA BELLA 2<sup>ND</sup> ADDITION, WICHITA,**  
**SEDGWICK COUNTY, KANSAS**

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being the owners of record of more than one-half of the area liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.*

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer

(b) The estimated or probable cost of the proposed Improvements is: \$102,000 (One Hundred and Two Thousand Dollars), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

Lots 1-22, Block 8; Casa Bella 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

(d) The proposed method of assessment is: equally per lot (22 lots)

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

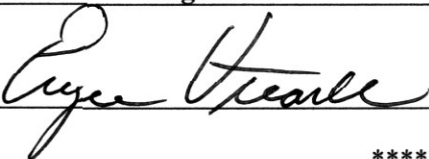
(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

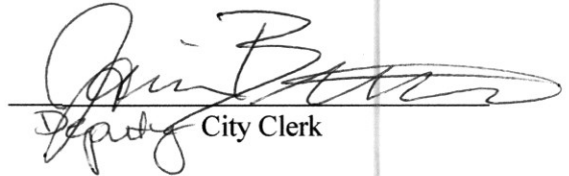
5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
	10/21/19	Lots 1-22, Block 8: Casa Bella Addition, Wichita, Sedgwick County, Kansas. <sup>2nd</sup> 1/3/20

\*\*\*\*\*

THIS PETITION was filed in my office on 10/22/19 :



  
City Clerk



PETITION

472-2019-085589

PAVING IMPROVEMENTS PHASE 7 – CASA BELLA 2<sup>ND</sup> ADDITION, WICHITA, KS

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 et seq.

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of pavement on Tara Falls from the south line of Lot 5, Block 4, Casa Bella Addition to the intersection with Bonita Street; Bonita Street from the intersection with Bonita Court to the west line of Michelle; Bonita Ct. from the north line of Bonita to and including the cul-de-sac; Bonita Circle from the intersection with Bonita Court to and including cul-de-sac; sidewalk, grading and drainage to be installed where necessary.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer

(b) The estimated or probable cost of the proposed Improvements is: \$378,000 (Three Hundred Seventy-Eight Thousand Dollars) exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

Lots 5 - 9, Block 4 and Lots 1 - 22 Block 8: Casa Bella 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.

(d) The proposed method of assessment is: equally per lot (27 lots)

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.


(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

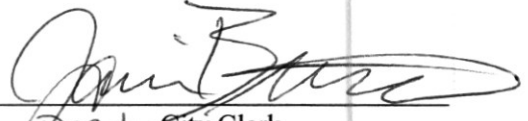
5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
	10/21/19	Lots 5-9, Block 4 & Lots 1-22 Block 8: Casa Bella 2nd Addition, Wichita, Sedgwick County, Kansas.

\*\*\*\*\*

THIS PETITION was filed in my office on 10/22/19 ;



  
Deputy City Clerk

(Published in the *Wichita Eagle*, on January 24, 2020)

## RESOLUTION NO. 20-010

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION IMPROVEMENTS PHASE 7– CASA BELLA 2ND ADDITION/NORTH OF PAWNEE, WEST OF 127<sup>TH</sup> EAST) (448-2019-022468).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve the Improvement District defined below.**

(b) The estimated or probable cost of the proposed Improvements is: **\$85,000 (Eighty-Five Thousand Dollars)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Lots 5-9, Block 4 and Lots 1-22, Block 8: Casa Bella 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas**

(d) The proposed method of assessment is: **equally per lot (27 lots).**

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law

(Published in the *Wichita Eagle*, on January 24, 2020)

## RESOLUTION NO. 20-011

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS PHASE 7–CASA BELLA 2ND ADDITION/NORTH OF PAWNEE, WEST OF 127<sup>TH</sup> STREET EAST) (468-2019-022469).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.**

(b) The estimated or probable cost of the proposed Improvements is: **\$102,000 (One Hundred Two Thousand Dollars)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Lots 1-22, Block 8; Casa Bella 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.**

(d) The proposed method of assessment is: **equally per lot (22 lots).**

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law

(Published in the *Wichita Eagle*, on January 24, 2020)

## RESOLUTION NO. 20-012

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING IMPROVEMENTS PHASE 7–CASA BELLA 2<sup>ND</sup> ADDITION/NORTH OF PAWNEE, WEST OF 127<sup>TH</sup> STREET EAST) (472-2019-085589).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of pavement on Tara Falls from the south line of Lot 5, Block 4, Casa Bella Addition to the intersection with Bonita Street; Bonita Street from the intersection with Bonita Court to the west line of Michelle; Bonita Ct. from the north line of Bonita to and including the cul-de-sac; Bonita Circle from the intersection with Bonita Court to and including the cul-de-sac; sidewalk, grading and drainage to be installed where necessary.**

b) The estimated or probable cost of the proposed Improvements is: **\$378,000 (Three Hundred Seventy-Eight Thousand Dollars)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Lots 5-9, Block 4 and Lots 1-22, Block 8: Casa Bella 2<sup>nd</sup> Addition, Wichita, Sedgwick County, Kansas.**

- (d) The proposed method of assessment is: **equally per lot (27 lots).**

**In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.**

- (e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

- (f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law



City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Petitions for Improvements to Serve Chalet Ridge Addition (District II)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

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**Recommendation:** Approve the petitions and budgets, and adopt the resolutions.

**Background:** The petitions are a requirement for new plat and are valid per Kansas Statute 12-6a01. The signatures on the petitions represent 100% of the improvement district.

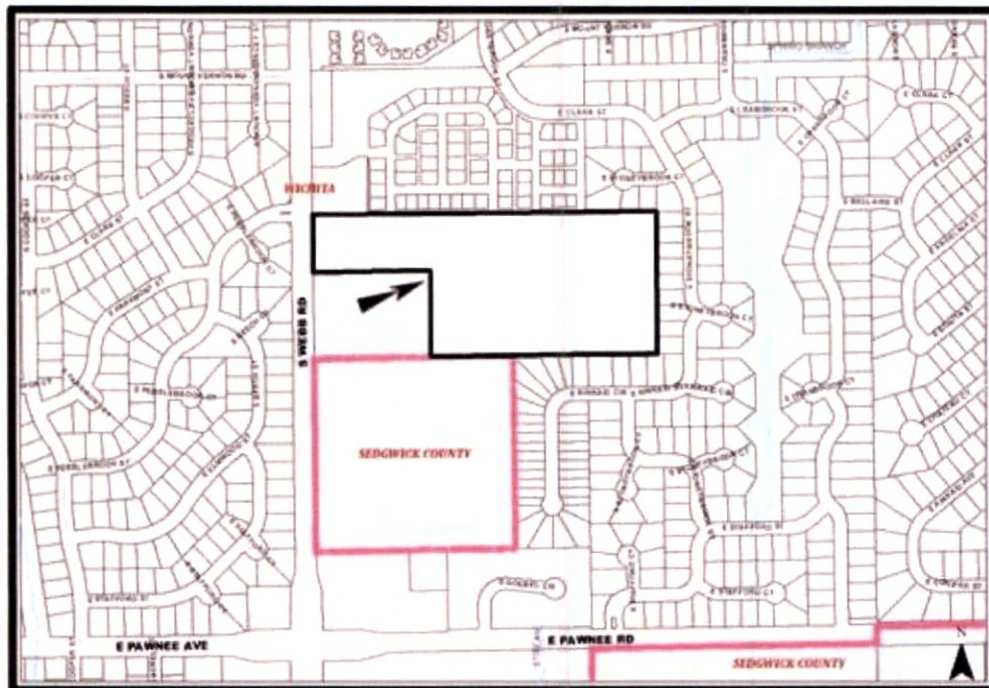
**Analysis:** The projects will provide water, sanitary sewer and paving improvements required for a new residential development located north of Pawnee, west of Webb Road.

**Financial Considerations:** The petition total for the water improvements is \$173,000. The petition total for the sanitary sewer improvements is \$260,000. The petition total for the paving improvements is \$1,010,000. The funding source for the projects is 100% special assessment.

**Legal Considerations:** The Law Department has reviewed and approved the petitions and resolutions as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the petitions and budgets, adopt the resolutions, and authorize the necessary signatures.

**Attachments:** Map, petitions, and resolutions.



472-2019-085590

**PETITION  
PAVING AND DRAINAGE IMPROVEMENTS  
CHALET RIDGE ADDITION, WICHITA, KANSAS**

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.* (the "Act").

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of pavement on Annabelle/Annabelle Circle from the east line of Webb Road to and including cul-de-sac; Thatcher/Thatcher Circle from the south line Annabelle to and including hammerhead; and Thatcher Court from the east line of Thatcher to and including hammerhead, with drainage and associated storm water sewer system to be installed as necessary. Includes Fire access lane from Christ Community Church Addition property to Thatcher Circle. Sidewalk to be installed on one side of Annabelle and in pedestrian easements and reserves as necessary for pedestrian circulation.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: One Million Ten Thousand Dollars (\$1,010,000), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Chalet Ridge Addition**

**Lots 1 – 55, Block 1**

**Lots 1 – 16, Block 2**

(d) The proposed method of assessment is: equally per lot (71 lots).

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.


(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.


5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
 VCRC 4, LLC Ryan Nett, Managing Member		Chalet Ridge Addition, Wichita, Kansas Lots 1 – 55, Block 1 Lots 1 – 16, Block 2

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THIS PETITION was filed in my office on 11/5/19.



  
Deputy City Clerk

448-2019-025026

**PETITION  
WATER DISTRIBUTION IMPROVEMENTS  
CHALET RIDGE ADDITION  
WICHITA, SEDGWICK COUNTY, KANSAS**

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being a majority of the resident owners of record of the property liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.*

(a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

(b) The estimated or probable cost of the proposed Improvements is: \$173,000 (One Hundred Seventy Three Thousand Dollars), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Chalet Ridge Addition**

**Lots 1 – 55, Block 1**

**Lots 1 - 16, Block 2**

(d) The proposed method of assessment of all costs shall be on a fractional basis: That the aforementioned lots in Chalet Ridge Addition, Wichita, Sedgwick County, Kansas shall each pay 1/71 of the total cost payable by the improvement district.

(e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.


(f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

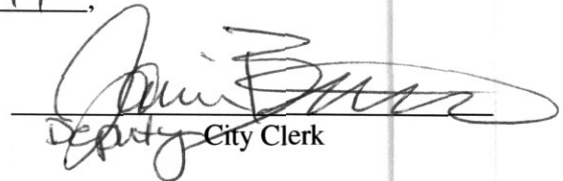
5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
 VCRC 4, LLC Ryan Nett, Managing Member		Chalet Ridge Addition, Wichita, Sedgwick County, Kansas Lots 1 – 55, Block 1 Lots 1 – 16, Block 2

\*\*\*\*\*

THIS PETITION was filed in my office on 11/15/19;



  
Deputy City Clerk



468-2019-025028

PETITION  
SANITARY SEWER IMPROVEMENTS  
CHALET RIDGE ADDITION  
WICHITA, SEDGWICK COUNTY, KANSAS

TO: The Mayor and City Council (the "Governing Body")  
City of Wichita, Kansas

1. The undersigned, being the owners of record of more than one-half of the area liable for assessment set forth below for the proposed improvements of the City of Wichita, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.*

- (a) The improvements proposed to be made are as follows (the "Improvements"):

Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.

The Improvements shall be constructed in accordance with City standards and plans and specifications prepared or approved by the City Engineer.

- (b) The estimated or probable cost of the proposed Improvements is: \$260,000 (Two Hundred Sixty Thousand Dollars), exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of this Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

- (c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Chalet Ridge Addition**  
**Lots 1 – 55, Block 1**  
**Lots 1 – 16, Block 2**

- (d) The proposed method of assessment of all costs shall be on a fractional basis:

That the aforementioned Lots in Chalet Ridge Addition, Wichita, Sedgwick County, Kansas shall each pay 1/71 of the total cost payable by the improvement district.

- (e) The proposed apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.


- (f) The payment of assessments proposed to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. If the Improvements are: (i) abandoned, altered and/or constructed privately, in part or whole, precluding the building of the Improvement under the authority of this Petition and the Act; or (ii) it is necessary for the City to redesign, repair or reconstruct the Improvements after its initial design and/or construction because the design and/or construction does not meet the requirements of City code provisions; any costs incurred by the City as a result of submission of this Petition shall be assessed to property within the proposed Improvement District in accordance with the provisions hereof.

4. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.


5. The Governing Body is further requested to proceed with adoption of a resolution authorizing the Improvements and establishing the Improvement District in accordance with the Act and the construction of the Improvements in an expeditious manner.

Signature	Dated	Property Owned Within Proposed Improvement District
 VCRC 4, LLC Ryan Nett, Managing Member		Chalet Ridge Addition, Wichita, Sedgwick County, Kansas Lots 1 – 55, Block 1 Lots 1 – 16, Block 2

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THIS PETITION was filed in my office on 11/15/19;



  
City Clerk



(Published in the *Wichita Eagle*, on January 24, 2020)

### RESOLUTION NO. 20-013

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER DISTRIBUTION IMPROVEMENTS – CHALET RIDGE ADDITION/NORTH OF PAWNEE, EAST OF WEBB) (448-2019-025026).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of a water distribution system, including necessary water mains, pipes, valves, hydrants, and appurtenances to serve the Improvement District defined below.**

(b) The estimated or probable cost of the proposed Improvements is: **\$173,000 (One Hundred Seventy-Three Thousand Dollars)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Chalet Ridge Addition**  
**Lots 1-55, Block 1**  
**Lots 1-16, Block 2**

(d) The proposed method of assessment of all costs shall be on a fractional basis:  
**That the aforementioned lots in Chalet Ridge Addition, Wichita, Sedgwick County, Kansas shall each pay 1/71 of the total cost payable by the improvement district.**

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law

(Published in the *Wichita Eagle*, on January 24, 2020)

# **RESOLUTION NO. 20-014**

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SANITARY SEWER IMPROVEMENTS—CHALET RIDGE ADDITION/NORTH OF PAWNEE, EAST OF WEBB) (468-2019-025028).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.* (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **the owners of record of more than one-half of the area** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of a lateral sanitary sewer, including necessary sewer mains and appurtenances to serve the Improvement District defined below.**

(b) The estimated or probable cost of the proposed Improvements is: **\$260,000 (Two Hundred Sixty Thousand Dollars)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Chalet Ridge Addition**

**Lots 1 - 55, Block 1**

**Lots 1-16, Block 2**

(d) The proposed method of all costs shall be on a fractional basis:

**That the aforementioned Lots in Chalet Ridge Addition, Wichita, Sedgwick County, Kansas shall each pay 1/71 of the total cost payable by the improvement district.**

(e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

(f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law

(Published in the *Wichita Eagle*, on January 24, 2020)

## RESOLUTION NO. 20-015

**A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF WICHITA, KANSAS; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (PAVING AND DRAINAGE IMPROVEMENTS –CHALET RIDGE ADDITION/NORTH OF PAWNEE, EAST OF WEBB) (472-2019-085590).**

**WHEREAS**, a petition (the "Petition") was filed with the City Clerk of the City of Wichita, Kansas (the "City") proposing certain internal improvements; and said Petition sets forth: (a) the general nature of the proposed improvements; (b) the estimated or probable cost of the proposed improvements; (c) the extent of the proposed improvement district to be assessed for the cost of the proposed improvements; (d) the proposed method of assessment; (e) the proposed apportionment of the cost between the improvement district and the City at large; and (f) a request that such improvements be made without notice and hearing as required by K.S.A. 12-6a01 *et seq.*, (the "Act"); and

**WHEREAS**, the City Council (the "Governing Body") of the City hereby finds and determines that said Petition was signed by **a majority of the resident owners of record of the property** liable for assessment for the proposed improvements, and is therefore sufficient in accordance with the provisions of the Act.

**THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:**

**Section 1. Findings of Advisability.** The Governing Body hereby finds and determines that:

(a) The improvements proposed to be made are as follows (the "Improvements"):

**Construction of pavement on Annabelle/Annabelle Circle from the east line of Webb Road to and including cul-de-sac; Thatcher/Thatcher Circle from the south line Annabelle to and including hammerhead; and Thatcher Court from the east line of Thatcher to and including hammerhead, with drainage and associated storm water sewer system to be installed as necessary. Includes Fire access lane from Christ Community Church Addition property to Thatcher Circle. Sidewalk to be installed on one side of Annabelle and in pedestrian easements and reserves as necessary for pedestrian circulation.**

b) The estimated or probable cost of the proposed Improvements is: **One Million Ten Thousand Dollars (\$1,010,000)**, exclusive of interest on financing and administrative and financing costs; said estimated amount to be increased at the pro rata rate of 1 percent per month from and after the date of submission of the Petition to the City. If expenses have been incurred for the Improvements and construction has not started within two years of the initial design contract, the Improvements will be deemed abandoned and expenses incurred to date will be assessed against property in the Improvement District defined below in accordance with the provisions hereof.

(c) The extent of the proposed improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

**Chalet Ridge Addition**

**Lots 1-55, Block 1**

**Lots 1-16 Block 2**

- (d) The proposed method of assessment is: **equally per lot (71 lots).**

In the event that the driveway approaches and curb cuts are not included within the scope of the Improvements and the estimated cost thereof as set forth in subsection (b) above, the costs of such driveway approaches and curb cuts so constructed shall be directly assessed to the property benefitted thereby in addition to the assessments levied for the Improvements.

In the event all or part of the lots or parcels in the proposed Improvement District are reconfigured before or after assessments have been levied, the assessments against the replatted area shall be recalculated on a square foot basis or per the terms of a respread agreement submitted to the City of Wichita.

- (e) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is: **100%** to be assessed against the Improvement District and **0%** to be paid by the City-at-large.

- (f) The payment of assessments to be imposed hereunder may be indefinitely deferred against those property owners eligible for deferral pursuant to the City's Special Assessment Deferral Program.

**Section 2. Authorization of Improvements.** The Improvements are hereby authorized and ordered to be made in accordance with the findings of the Governing Body as set forth in **Section 1** of this Resolution.

**Section 3. Plans and Specifications.** The City Engineer shall prepare plans and specifications for said Improvements and a preliminary estimate of cost therefore, which plans, specifications and estimate shall be presented to the Governing Body for its approval.

**Section 4. Bond Authority; Reimbursement.** The Act provides for the Improvements to be paid by the issuance of general obligation bonds or special obligation bonds of the City (the "Bonds"). The Bonds may be issued to reimburse expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation § 1.150-2.

**Section 5. Effective Date.** This Resolution shall be effective upon adoption. This Resolution shall be published one time in the official City newspaper, and shall also be filed of record in the office of the Register of Deeds of Sedgwick County, Kansas.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on January 21, 2020.

(SEAL)

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Brandon J. Whipple, Mayor

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law

**City of Wichita  
City Council Meeting  
January 21, 2020**

**TO:** Mayor and City Council

**SUBJECT:** Change Order No. 3 for Improvements to Stryker Sports Phase 4 – Indoor Facility and Stadium (District II)

**INITIATED BY:** Department of Public Works & Utilities

**AGENDA:** Consent

**Recommendation:** Approve Change Order No. 3.

**Background:** On February 6, 2018, the City Council approved a contract with Crossland Construction Co., Inc. for improvements to Stryker Sports Phase 4. The following change orders have been processed for this project to date:

Change Order	Date Processed or Approved	Provided	Cost
Original	February 6, 2018	Original construction contract	\$6,162,000
Change Order No. 1	July 24, 2018	Installed crushed rock subgrade on the south entrance road and parking lot area to provide a solid surface for staging construction equipment and materials for the Phase 4 indoor facility improvements.	\$91,246
Change Order No. 2	November 12, 2018	Additional water supply and subgrade modifications. Replaced masonry chase wall and vent piping. Rerouted roof rain leader and exterior wall hydrants. Added roof structural members and calendar date extension.	\$44,404
		Total contract cost to date	\$6,297,650

**Analysis:** The proposed change order allows for changes required by the Metropolitan Area Building and Construction Department, additional wiring for global paging and light emitting diode driver mounting, additional steel for sign and heating, ventilation, and air conditioning supports, sheet metal covering, and adjusting the existing stadium water and sewer services for proposed elevation changes. Additionally, concession sinks, stucco wall coating, exterior doors at the elevator for additional weather protection, and enhancements for the security cameras will be installed.

The cost of proposed Change Order No. 3 is \$63,949, bringing the total of all change orders to \$199,599. The total change order cost to date has exceeded the previously approved change order limit adjustment of 3%, now requiring City Council approval.

**Financial Considerations:** The cost of proposed Change Order No. 3 is \$63,949. The total of all change orders to date is \$199,599, which brings the total contract amount to \$6,361,599. Funding is available within the existing Stryker Project budget approved by the City Council on December 6, 2016, which is funded by Sales Tax Revenue Bonds.

**Legal Considerations:** The Law Department has reviewed and approved Change Order No. 3 as to form.

**Recommendations/Actions:** It is recommended that the City Council approve Change Order No. 3 and authorize the necessary signatures.

**Attachment:** Change Order No. 3.



**To: Crossland Construction Co., Inc.****Project: Stryker Sports Phase 4 – Indoor Facility and Stadium****Change Order No.: 3****Project No.: 472-85380****Purchase Order No.: PO840285****OCA No.: 796031****CHARGE TO OCA No.: 796031****PPN: 435550****Please perform the following extra work at a cost not to exceed \$63,949.34****Work for this Change Order cannot be completed until approved by all. Contractor should expect approximately 3 weeks for approval.****Additional Work:** Fire blocking**Reason for Additional Work:** MABCD final comments to the indoor facility require fire blocking where wall covering is installed.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
17	Fire Blocking	Negot'd	1 LS	\$5,073.63	\$5,073.63

**Additional Work:** Global paging and LED driver mounting**Reason for Additional Work:** Additional wiring will be provided in order allow the paging system throughout both the indoor facility and stadium through the fire alarm system. Adjustments will be made to mount the LED drivers inside the concession area in lieu of the planter bed in order to provide protection from weather elements.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
18	Global Paging	Negot'd	1 LS	\$10,522.42	\$10,522.42
19	LED Driver Adj.	Neogt'd	1 LS	\$2,952.17	\$2,952.17

**Additional Work:** Ticket booth roof modifications**Reason for Additional Work:** MABCD final comments to the ticket booth roof require additional overflow roof drains and revised roof slope.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
20	Ticket Booth Roof Drains	Negot'd	1 LS	\$5,070.28	\$5,070.28
21	Ticket Booth Roof Adj	Negot'd	1 LS	\$4,218.50	\$4,218.50

**Additional Work:** Sign steel**Reason for Additional Work:** Final design and mounting of the Tommy Peckham sign could only be completed once the selected contractor and designer could work specifically on the sign details. Steel brackets and plates will be necessary to secure the sign to the ticket booth roof.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
22	Steel Brackets	Negot'd	1 LS	\$4,986.53	\$4,986.53

**Additional Work:** Adjust existing stadium water service

**Reason for Additional Work:** The existing water service serving the indoor facility is too shallow for the proposed elevations changes at the stadium. The water service will need lowered to prevent freezing.

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
23	Water Service Adjustment	Negot'd	1 LS	\$8,206.05	\$8,206.05

**Additional Work:** HVAC supports

**Reason for Additional Work:** Final brackets and beams to support the HVAC steel duct work could not be finalized until the contractor's final routing and design is complete. Additional steel supports must be coordinated with the structural engineer for the indoor facility.

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
24	HVAC Steel Supports	Negot'd	1 LS	\$8,862.10	\$8,862.10

**Additional Work:** Concession sinks

**Reason for Additional Work:** Final concession layout and design was coordinated with the operator after bidding. Countertop mounted sinks will be added to the concessions areas

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
25	Concessions Sinks	Negot'd	1 LS	\$7,959.93	\$7,959.93

**Additional Work:** Stucco wall coating

**Reason for Additional Work:** Proposed walls added within existing rooms of the stadium will receive stucco wall coating in order to match the same stucco finish on the remaining walls of the same room.

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
26	Stucco Wall Coating	Negot'd	1 LS	\$4,912.84	\$4,912.84

**Additional Work:** Exterior doors at elevator

**Reason for Additional Work:** Exterior doors will be added to the elevator at the stadium to provide additional weather protection for the electrical and mechanical components within the elevator shaft when not in use.

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
27	Exterior Elevator Doors	Negot'd	1 LS	\$11,817.21	\$11,817.21

**Additional Work:** Telecommunication and data system modifications

**Reason for Additional Work:** In order to enhance the video quality of the security cameras and optimize the data network at the indoor facility, additional fiber optic cable will be used to transmit signals to the electrical room.

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
28	TeleComm/Data mod.	Negot'd	1 LS	\$28,667.55	\$28,667.55

**Additional Work:** Sewer repair

**Reason for Additional Work:** The existing sewer service for the indoor facility is blocked and needs repaired. Upon investigation, the damage is not related to other work at the facility or other phases of the project. Contractor will repair the existing sewer service.

Negotiated/					
<u>Line #</u>	<u>Item</u>	<u>Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>

29	Sewer Service Repair	Negot'd	1 LS	\$3,271.06	\$3,271.06
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**Additional Work:** Manhole adjustment

**Reason for Additional Work:** A manhole installed on a previous phase needs adjusted to match the final ground elevations that were not established until final paving and landscaping plans were developed.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
30	Manhole Adjustment	Negot'd	1 LS	\$1,728.43	\$1,728.43

**Additional Work:** Sheet metal work

**Reason for Additional Work:** Additional sheet metal will be used to cover framework of the adjoining amenities space to provide a finished appearance.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
31	Sheet Metal Work	Negot'd	1 LS	\$1,038.40	\$1,038.40

**Additional Work:** Bollard installation

**Reason for Additional Work:** Final inspection by MABCD requires bollards for protection of exterior plumbing lines including refrigerant and natural gas.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
32	Bollards	Negot'd	1 LS	\$1,175.83	\$1,175.83

**Additional Work:** South bleacher adjustment

**Reason for Additional Work:** Design of the south bleachers was changed after bidding from a pier design to angle frame for cost savings. The rock under the bleachers will be replaced with concrete on Phase 6.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
33	Bleacher Credit	Negot'd	1 LS	(\$50,000.00)	(\$50,000.00)
34	Rock Credit	Negot'd	1 LS	(\$1,000.00)	(\$1,000.00)

**Additional Work:** Electrical panel modifications

**Reason for Additional Work:** MABCD final comments to the ticket booth electrical drawings require additional electrical subpanels in each of the ticket booth structures.

<u>Line #</u>	<u>Item</u>	<u>Negotiated/ Bid</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extension</u>
35	Ticket Booth Subpanel	Negot'd	1 LS	\$4,486.41	\$4,486.41

<b>CIP Budget Amount:</b>	<b>\$22,000,000.00</b>	<b>Original Contract Amt.:</b>	<b>\$6,162,000.00</b>
<b>Consultant: MKEC</b>		<b>Current CO Amt.:</b>	<b>\$63,949.34</b>
<b>Total Exp. &amp; Encum. To Date:</b>	<b>\$21,878,234.85</b>	<b>Amt. of Previous CO's:</b>	<b>\$135,649.51</b>
		<b>Total of All CO's:</b>	<b>\$199,598.85</b>
<b>CO Amount:</b>	<b>\$63,949.34</b>	<b>% of Orig. Contract / 3% Max.:</b>	<b>3.24%</b>
<b>Unencum. Bal. After CO:</b>	<b>\$57815.81</b>	<b>Adjusted Contract Amt.:</b>	<b>\$6,361,598.85</b>

**Recommended By:**

**Approved:**

\_\_\_\_\_  
Steve Degenhardt, P.E.      Date  
Construction Division Manager

**Approved:**

\_\_\_\_\_  
Contractor      Date

**Approved as to Form:**

\_\_\_\_\_  
Jennifer Magaña      Date  
City Attorney and Director of Law

\_\_\_\_\_  
Gary Janzen, P.E.      Date  
City Engineer

**Approved**

\_\_\_\_\_  
Alan King      Date  
Director of Public Works & Utilities

**By Order of the City Council:**

\_\_\_\_\_  
Brandon J. Whipple      Date  
Mayor

**Attest:** \_\_\_\_\_

City Clerk

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council Members

**SUBJECT:** Nuisance Abatement Assessments, Lot Clean-Up (Districts I, III, IV, V and VI)

**INITIATED BY:** Metropolitan Area Building and Construction Department

**AGENDA:** Consent

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**Recommendation:** Approve the assessments and place the ordinance on first reading.

**Background:** The Metropolitan Area Building and Construction Department (MABCD) supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinance allow the City to clean up private properties that are in violation of environmental standards after proper notification is sent to the responsible party. A private contractor performs the work and the MABCD bills the cost to the property owner.

**Analysis:** State law and City ordinance allow placement of the lot clean-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question and the MABCD is requesting permission for the Department of Finance to process the necessary special assessments.

**Financial Considerations:** Nuisance abatement contractors are paid through budgeted appropriations from the City's General Fund. Owners of abated property are billed for the contractual costs of the abatement plus an additional administrative fee. If the property owner fails to pay, these charges are recorded as a special property tax assessment against the property. Nuisance abatements to be placed on special assessments are listed on the attached property list.

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Action:** It is recommended that the City Council approve the proposed assessments, place the ordinance on first reading and authorize the necessary signatures.

**Attachments:** Property List for Special Assessments and Ordinance.

**Published in the Wichita Eagle on January 31, 2020**

**ORDINANCE NO. 51-180**

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF ABATING CERTAIN PUBLIC HEALTH NUISANCES (**LOT CLEAN UP**) UNDER THE PROVISION OF SECTION 7.40.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

<b>Legal of Parcel in Benefit District</b>	<b>Assessment</b>
W 35 FT LOTS 926-928-930-932 WACO AVE. GREIFFENSTEIN'S 7TH. ADD.	1269.59
LOTS 130-132 MAIN ST. WALTER & WRIGHT'S ADD.	1169.60
LOTS 35-37 MOORE'S 2ND. ADD.	1621.06
LOTS 56-58 GRANVILLE PARK ADD.	1560.65
LOTS 4-6 ORANGE NOW PENNSYLVANIA AVE. MILFORD'S REPLAT	9637.15
LOTS 13-15 BLOCK 5 ALLEN & SMITH'S ADD.	1661.59
LOTS 45-47 BLOCK 5 ALLEN & SMITH'S ADD.	1248.23
LOTS 101-103 SNIVELY-MILLER & WORK'S SUB.	1391.76
LOT 5 BLOCK 5 SCHRADER BROS. 2ND. ADD.	992.39
LOTS 58-60 BUTLER & FISHER'S 2ND. ADD.	756.18
LOTS 31-33 GROVE ST. LOGAN ADD.	1313.93
LOTS 84-86 CAMPBELL NOW MADISON AVE. STOUT'S ADD.	762.35
LOTS 88-90 CAMPBELL NOW MADISON AVE. STOUT'S ADD.	1496.05
LOTS 18-20 LORRAINE AVE. FAIRMOUNT PARK ADD.	610.00
LOTS 19-21 BLOCK 1 HARRIS & HOFFELDS SUB	686.51
LOT 8 BLOCK 1 PAUL'S ADD.	740.57
N 40 FT LOT 11 & LOT 10 EXC N 25 FT BLOCK 11 SHADYBROOK ADD.	770.40
LOT 16 BLOCK 3 BUILDERS 2ND. ADD.	677.00
LOTS 46-48 BLOCK 14 LINWOOD PARK ADD.	735.60
LOT 32 BLOCK C PLANEVIEW SUB. NO. 2	1383.90
LOTS 47-48 BLOCK A EAST UNIVERSITY ADD.	1098.35
BEG 1263 FT N OF SW COR SW 1/4 E 175 FT S 70 FT W 175 FT N 70 FT TO BEG SEC 32-27-1E	821.27
BEG 1193 FT N SW COR SW 1/4 E 175 FT S 70 FT W 175 FT N 70 FT TO BEG. SEC 32-27-1E	775.32
LOT 2 COVELL ADD.	872.10

LOT 6 BLOCK D COUNTRY ACRES 3RD. ADD.	573.82
LOT 1 CONYERS ADDITION	726.17
LOT 79 & E 30 FT LOT 80 MIDLAND PARK ADD.	12078.62

SECTION 2. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED at Wichita, Kansas, this **28th day of January, 2020.**

\_\_\_\_\_  
Brandon J. Whipple

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Jennifer Magana, City Attorney and Director of Law

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Payment of Condemnation Award, Appraisers Fees and Court Costs in Condemnation Matter to Acquire Property for the Improvement of 13<sup>th</sup> Street North from 119<sup>th</sup> Street West to 135<sup>th</sup> Street West (District V)

**INITIATED BY:** Law Department

**AGENDA:** Consent

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**Recommendation:** Authorize the payment of appraiser's award, together with appraisers' fees and court costs.

**Background:** On August 28, 2018, the City Council approved the funding for the improvement of 13<sup>th</sup> Street West between 119<sup>th</sup> and 135<sup>th</sup> Streets West. The project calls for improving the roadway to three lanes with the third lane being a center two-way left turn lane. Curb and gutter drainage will be added to the corridor, as well as sidewalks on both the north and south sides of 13<sup>th</sup> Street. The project impacts nine tracts. There are two partial acquisitions and seven temporary easements. The properties are a mix of residential and commercial uses. On July 23, 2019, the City Council approved the use of eminent domain to acquire the one tract not yet acquired.

**Analysis:** On January 7, 2020, the court appointed appraisers filed their award. They determined the compensation to be paid for the remaining parcel to be \$56,700. The court approved fees to the three appraisers in the total amount of \$24,250. Court costs are \$197. In order for the City to acquire these properties, it must pay the award, together with fees and costs to the Clerk of the District Court on or before February 6, 2020.

**Financial Considerations:** The cost of acquiring these properties will be paid from project funds.

**Legal Considerations:** The City must pay the award within 30 days from the filing of the appraisers' award in order to get title to the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned. In that event, the City would still be responsible for all fees, costs and the landowners' attorney fees.

**Recommendation/Action:** It is recommended that the City Council authorize payment to the Clerk of the District Court in the amount of \$81,147 for acquisition of property and easements condemned in the subject case.

**Attachments:** Report of Appraisers, Order Approving Report of Appraisers and Statement of Appraisers Fees and Expenses.



JENNIFER MAGAÑA  
City Attorney  
JEFF VANZANDT  
Assistant City Attorney  
City Hall – 13<sup>th</sup> Floor  
455 North Main  
Wichita, Kansas 67202-1635  
(316) 268-4681  
FAX: (316) 268-4335

IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
CIVIL DEPARTMENT

THE CITY OF WICHITA, KANSAS, a  
Municipal Corporation,

Plaintiff,

vs.

Case No. 2019-CV-1969

RONALD A. GOODWIN and MICHELLE L.  
GOODWIN, CHISHOLM TRAIL STATE BANK,  
KANSAS GAS & ELECTRIC COMPANY,  
INTERNAL REVENUE SERVICE, KANSAS  
DEPARTMENT OF REVENUE, STEVE HULL,  
LEONARD E. HELLER, DOROTHY R. HARRIS,  
and JOHN D. HARRIS, as TRUSTEES OF THE  
JOHN B. AND DOROTHY RUTH HARRIS  
AB LIVING TRUST, DWIGHT M.  
DIEFENBACH and MARGIE DIEFENBACH,

Defendants.

**REPORT OF APPRAISERS**

We, the undersigned appraisers, appointed to view and appraise the value of certain lands and/or interests and/or rights therein, described in the Petition of the City of Wichita, Kansas, in the above-captioned matter and to determine just compensation and damages to the interested parties resulting from the takings, after being duly sworn, now report as follows:

On November 19, 2019, we caused notices of our hearing to be mailed to all defendants and interested parties named in the Petition whose addresses were known to us after diligent

inquiry and on November 20, 2019, caused such notice to be published in The Wichita Eagle, a newspaper of general circulation in Sedgwick County, Kansas. On December 5, 2019, we began our appraisal and assessment of damages by actual view of the lands to be taken and of the tracts of which they are a part. Commencing on December 5, 2019, at a public hearing held in the Wichita Transit facility conference room, 777 E. Waterman, Wichita, Kansas, the time and place stated in the notices, at which time we heard oral testimony and received written and other evidence concerning our appraisal and assessment of damages from the plaintiff and such of the defendants as were present and desired to be heard.

After our review of the lands involved, after consideration of the testimony received at the hearing and according to the instructions given us by the Court, we have appraised the lands and/or interests and/or rights therein sought by the plaintiff and described in the Petition and have determined just compensation and damages to the interested parties resulting from the takings are as follows:

**Tract No. 7**

**Interested Parties:**

Ronald A. Goodwin and Michelle L. Goodwin (owners)  
Chisholm Trail State Bank (mortgagee)

Morgan B. Koon, Attorney for Ronald A. Goodwin and Michelle L. Goodwin  
Michelle A. Jacobs, Assistant U.S. Attorney on behalf of the Internal Revenue Service  
Michael Andrusak, Attorney for Dwight M. Diefenbach and Margie Diefenbach  
and for Chisholm Trail State Bank

**REAL PROPERTY INTERESTS TO BE ACQUIRED:**

**Easement for Right of Way**

Permanent easement for drainage, public utilities and related uses in and to the following-described tracts, to-wit:

A tract of land lying in the Southeast Quarter of Section 12, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at the Southwest Corner of said Southeast Quarter; thence along the south line of said Quarter on a Kansas coordinate system 1983 south zone bearing of N81°48'07"E, 490.31 feet; thence N08°11'53"W perpendicular to said south line, 50.00 feet to the Point of Beginning; thence continuing N08°11'53"W, 230.00 feet; thence N81°48'07"E parallel with said south line, 700.00 feet to a curve to the left with a radius of 215.29 feet, a delta angle of 9°14'55" and an arc length 34.75 feet a chord bearing S44°13'47"E, 34.71 feet to point of reverse curve; thence along said curve to the right having a delta angle of 46°43'28.4" and a radius of 79.90 feet a distance of 65.16 feet a chord bearing S25°29'30"E, 63.37 feet to a point of tangency; thence on said line of tangency bearing S02°07'46"E a distance of 39.61 feet to a point of curve; thence along said curve to the left having a delta angle of 35°38'06.3" and a radius of 107.32 feet a distance of 66.75 feet a chord bearing S19°36'49"E, 65.68 feet to a point of tangency; thence on said line of tangency bearing S37°25'52"E a distance of 34.42 feet to a point of curve; thence along said curve to the right having a delta angle of 3°15'53" a radius of 151.41 feet a distance of 8.63 feet a chord bearing S36°07'49"E, 8.63 feet to a point 50 feet perpendicular to said south line; thence parallel with said south line S81°48'07"W, 768.92 feet to the Point of Beginning and

A tract of land lying in the Southwest Quarter of Section 12, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at a point on the North right-of-way line of West 13<sup>th</sup> Street North which is 50 feet North of the Southeast corner of the Southwest Quarter of Section 12, Township 27 South, Range 2 West of the Sixth Principal Meridian; thence West along said North right-of-way line, a distance of 57.3 feet to the Point of Beginning; thence North perpendicular to said right-of-way line, a distance of 10 feet; thence East parallel with said right-of-way line, a distance of 93.5 feet; thence South perpendicular to said right-of-way line, a distance of 10 feet; thence West along said right-of-way line, a distance of 96.1 feet to the Point of Beginning.

#### **All Right of Access**

Temporary construction easements for driveway, drainage, utilities and road construction in and to the following-described tracts, to-wit:

A tract of land lying in the Southwest Quarter of Section 12, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, being more particularly described as follows:

Commencing at a point on the North right-of-way line of West 13<sup>th</sup> Street North which is 50 feet North of the Southeast corner of the Southwest Quarter of Section 12, Township 27 South, Range 2 West of the Sixth Principal Meridian; thence West along said North right-of-way line, a distance of 184.2 feet to the Point of Beginning; thence North perpendicular to said right-of-way line, a distance of 5 feet; thence West parallel with said right-of-way line, a distance of 245 feet; thence South perpendicular to said right-of-way line, a distance of 5 feet; thence East along said right-of-way line, a distance of 245 feet to the Point of Beginning.

Fair Market Value of Entire Property  
Immediately Before the Taking:

\$ 667,400

Value of Property Remaining,  
Immediately After the Taking:

\$ 610,700

Difference, which is just compensation  
and the amount of our award:

\$ 56,700

(initials)

(initials)

(initials)

The foregoing Report of our appraisal is well and truthfully made and in witness whereof,  
we have hereunto affixed our signatures this 3<sup>rd</sup> day of JANUARY, 2020.

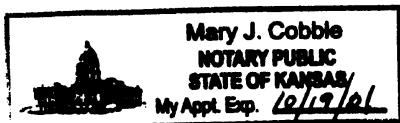
COURT-APPOINTED APPRAISERS:

Doug Moshler  
Doug Moshler

James Gardner II  
James Gardner II

Jeff Lange  
Jeff Lange

Subscribed and sworn to before me this 3<sup>rd</sup> day of January, 2020.



Mary J. Cobble  
NOTARY PUBLIC

ELECTRONICALLY FILED  
2020 Jan 08 PM 4:55  
CLERK OF THE SEDGWICK COUNTY DISTRICT COURT  
CASE NUMBER: 2019-CV-001969-RD



**Court:** Sedgwick County District Court  
**Case Number:** 2019-CV-001969-RD  
**Case Title:** City of Wichita, Kansas vs. Ronald A. Goodwin, et al.  
**Type:** Order Approving Report of Appraisers and Allowing Appraisers' Fees and Court Cos

SO ORDERED.

A handwritten signature in black ink, appearing to read "William Woolley", is written over a horizontal line.

/s/ William Woolley, Honorable District Court Judge

JENNIFER MAGAÑA  
City Attorney  
JEFF VANZANDT  
Assistant City Attorney  
City Hall – 13<sup>th</sup> Floor  
455 North Main  
Wichita, Kansas 67202-1635  
(316) 268-4681  
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IN THE EIGHTEENTH JUDICIAL DISTRICT  
DISTRICT COURT, SEDGWICK COUNTY, KANSAS  
CIVIL DEPARTMENT

THE CITY OF WICHITA, KANSAS, a	)	
Municipal Corporation,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2019-CV-1969
	)	
RONALD A. GOODWIN and MICHELLE L.	)	
GOODWIN, CHISHOLM TRAIL STATE BANK,	)	
KANSAS GAS & ELECTRIC COMPANY,	)	
INTERNAL REVENUE SERVICE, KANSAS	)	
DEPARTMENT OF REVENUE, STEVE HULL,	)	
LEONARD E. HELLER, DOROTHY R. HARRIS,	)	
and JOHN D. HARRIS, as TRUSTEES OF THE	)	
JOHN B. AND DOROTHY RUTH HARRIS	)	
AB LIVING TRUST, DWIGHT M.	)	
DIEFENBACH and MARGIE DIEFENBACH,	)	
	)	
Defendants.	)	
	)	

ORDER APPROVING REPORT OF APPRAISERS  
AND ALLOWING APPRAISERS' FEES AND COURT COSTS

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, this matter comes before the court for review of the Report of Appraisers filed herein and for hearing on the application of the Court's appointed Appraisers for an award of fees and expenses for their services. The Court,

having examined the Report of Appraisers and having been otherwise duly advised of the time, the application of skills and the complexity of appraising the subject land, and having been otherwise duly advised in the premises, finds that the Report of Appraisers should be approved; and that the reasonable value of the Appraisers' fees and expenses are as set forth below. The Court further finds that the outstanding Court costs in this matter are \$197.00.

IT IS, THEREFORE, BY THE COURT ORDERED that the Report of Appraisers dated January 3, 2020, and filed on January 7, 2020, should be and is hereby approved and confirmed; and, that the following amounts for Appraisers' fees and expenses and court costs hereby approved for payment forthwith, to be taxed as costs herein:

Doug Moshier	\$ 8,000.00
James Gardner II	\$ 8,000.00
Jeff Lange	\$ 8,250.00
Court Costs	<u>\$ 197.00</u>
 Total Appraisers Fees and Court Costs	 \$24,447.00

IT IS BY THE COURT SO ORDERED.

PREPARED BY:

THE CITY ATTORNEY'S OFFICE OF  
THE CITY OF WICHITA

By: /s/ Jeff A. VanZandt  
Jeff A. VanZandt, #14486  
Attorney for Plaintiff, the City of Wichita

# GARDNER APPRAISAL

1632 S. WEST ST., STE 5  
WICHITA, KANSAS 67213  
(316) 264-9181 FAX (316) 942-1661

REAL ESTATE SERVICES

January 3, 2020

Jeff A. VanZandt, Assistant City Attorney  
City of Wichita, Department of Law  
City Hall - 13<sup>th</sup> Floor  
455 N. Main  
Wichita, Kansas 67202-1635

Re: **City of Wichita v. Goodwin, et al**  
**District Court of Sedgwick County Kansas, Case No. 2019 CV 1969**  
**Located at 12600 W. 13<sup>th</sup> Street & Cowskin Creek, Wichita, Kansas**  
**APPRAISER'S REPORT AND EXPENSES**

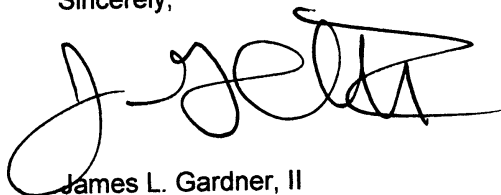
Dear Mr. VanZandt:

Pursuant to our appointment to serve as appraisers and instructions by the Honorable Judge William S. Wooley, in the referenced case, Doug Moshier, Jeff Lange, and I, held a public hearing for interested parties on December 5, 2019, met with the interested owner and parties, and made certain investigations into the subject property, comparable sales, and real property market activity.

In accordance with our instructions, we appraised the subject properties, developing an opinion of fair market value for the property, interests, and rights sought by the Plaintiff in the subject Petition for Condemnation. Our findings of fair market value and total amount of just compensation to be paid, based on the Petition for Condemnation, are conveyed in the enclosed "Report of Appraisers", which is submitted to your office this date, to be filed with the Court.

The time and expenses incurred by the appraisers in these activities, were as follows:  
Doug Moshier: \$8,000.00, Jeff Lange: \$8,250.00 (includes lake survey expense), James Gardner: \$8,000.00. We appreciated the opportunity to work for the Court and thank you for the support and assistance provided throughout the assignment.

Sincerely,



James L. Gardner, II

JG:s

Cc: Moshier, Lange



### Purchase Order

[illegible][illegible]

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** Payment of Condemnation Award, Appraisers Fees and Court Costs in Condemnation Matter to Acquire Property for the Improvement of 13<sup>th</sup> Street North from 119<sup>th</sup> Street West to 135<sup>th</sup> Street West (District V)

**INITIATED BY:** Law Department

**AGENDA:** Consent

---

**Recommendation:** Authorize the payment of appraiser's award, together with appraisers' fees and court costs.

**Background:** On August 28, 2018, the City Council approved the funding for the improvement of 13<sup>th</sup> Street West between 119<sup>th</sup> and 135<sup>th</sup> Streets West. The project calls for improving the roadway to three lanes with the third lane being a center two-way left turn lane. Curb and gutter drainage will be added to the corridor, as well as sidewalks on both the north and south sides of 13<sup>th</sup> Street. The project impacts nine tracts. There are two partial acquisitions and seven temporary easements. The properties are a mix of residential and commercial uses. On July 23, 2019, the City Council approved the use of eminent domain to acquire the one tract not yet acquired.

**Analysis:** On January 7, 2020, the court appointed appraisers filed their award. They determined the compensation to be paid for the remaining parcel to be \$56,700. The court approved fees to the three appraisers in the total amount of \$24,250. Court costs are \$197. In order for the City to acquire these properties, it must pay the award, together with fees and costs to the Clerk of the District Court on or before February 6, 2020.

**Financial Considerations:** The cost of acquiring these properties will be paid from project funds.

**Legal Considerations:** The City must pay the award within 30 days from the filing of the appraisers' award in order to get title to the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned. In that event, the City would still be responsible for all fees, costs and the landowners' attorney fees.

**Recommendation/Action:** It is recommended that the City Council authorize payment to the Clerk of the District Court in the amount of \$81,147 for acquisition of property and easements condemned in the subject case.

**Attachments:** Report of Appraisers, Order Approving Report of Appraisers and Statement of Appraisers Fees and Expenses.

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** 2020 Drug Enforcement Administration (DEA) State and Local Task Force

**INITIATED BY:** Wichita Police Department

**AGENDA:** Consent

---

**Recommendation:** Approve continued participation in Drug Enforcement Administration State and Local Task Forces.

**Background:** Since 1983, the Wichita Police Department (WPD) has assigned two full-time detectives to the Drug Enforcement Administration (DEA) to assist in narcotic and dangerous drug trafficking investigations in Wichita and the surrounding communities, as a member of the State and Local Task Force. In addition to the WPD, the DEA Task Force includes agents from the Sedgwick County Sheriff's Office, Kansas Bureau of Investigation, Kansas National Guard, Kansas Highway Patrol, Haysville Police Department and Immigration and Custom Enforcement. The current agreement expired September 30, 2019.

**Analysis:** The Wichita DEA office is focused on large scale drug organizations that operate regionally and have a direct connection to Wichita and the surrounding communities, based on Wichita's geographic access to three major drug corridors. Those corridors, I-35, I-70 and US-54, make Wichita attractive to major drug organizations attempting to establish distribution networks. DEA and its Task Force partners, including the WPD, work to identify, dismantle, and prosecute suspects attempting to bring large quantities of drugs into Wichita. Through the Wichita DEA office, the Task Force participates in large scale investigations, many of which ultimately have national impact. During Fiscal Year 2018-2019, the local Task Force initiated 77 major cases and made 70 felony arrests connected with drug trafficking with several federal indictments pending. A continuation of the agreement between the DEA and the WPD provides the City of Wichita and its residents with additional resources in an effort to identify and prosecute individuals and organizations that traffic narcotics and dangerous drugs in this community.

**Financial Considerations:** DEA reimburses the WPD for overtime up to \$18,649 per Task Force officer, per year for a total amount of \$37,298. Participation in the Task Force entitles the Department to share in a portion of federal seizures, enhancing the Department's resources for drug crime investigation. The WPD is responsible for the base salary and benefits of the detectives.

**Legal Considerations:** The agreement has been reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve continued annual participation in DEA State and Local Task Forces and approve the budget for the fiscal year beginning October 1, 2019.

**Attachments:** None.

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** 2020 Victims of Crime Act (VOCA) Grant

**INITIATED BY:** Wichita Police Department

**AGENDA:** Consent

---

**Recommendation:** Authorize the acceptance of the award.

**Background:** The Wichita Police Department (WPD) has received Victims of Crime Act (VOCA) funding since 2002 to support victim advocacy and related services. For the period beginning October 1, 2019 to September 30, 2020 the State of Kansas received funds to the VOCA grant program, which will be used directly for victim services.

**Analysis:** The primary grant funding request is to maintain the two Victim Advocate employees and the established victim services they provide during the initial impact of trauma.

**Financial Considerations:** WPD has been awarded \$214,248. Eighty percent of the requested amount (\$171,398) will be provided from VOCA funding and 20 percent (\$42,850) will be provided by a local match, which is allocated within the Police Department budget.

**Legal Considerations:** The award has been reviewed and approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the 2020 VOCA award and authorize the necessary signatures.

**Attachment:** Copy of the grant award.

December 23, 2019

Ms. Debbie Nguyen  
City of Wichita Police Department  
455 N. Main  
Wichita, KS 67202-1600

Dear Ms. Nguyen:

I am pleased to inform you the City of Wichita Police Department has been awarded a Federal Victims of Crime Act grant. These grant funds are entrusted to the agency to provide meaningful life-enhancing services to victims and survivors of crime. Thank you for providing these critically important services.

In order to process the grant award, follow the instructions in the email message for accessing and submitting the grant award documents. Please read the instructions carefully as the requirements to open a grant award have changed. The Kansas Governor's Grants Program staff is available to provide assistance and answer questions. I sincerely appreciate and value the commitment and dedication of City of Wichita Police Department staff to crime victims and survivors in Kansas.

Best regards,



Laura Kelly  
Governor

**KANSAS GOVERNOR'S GRANTS PROGRAM**  
**Federal Victims of Crime Act Victim Assistance Program**  
**Grant Assurances for Fiscal Year 2020**

The subgrant award listed below is available for expenditure in accordance with the agency's approved application under the Federal Victims of Crime Act of 1984 (VOCA), as amended, 34 U.S.C. §20103(a) and (b), and awarded to the State of Kansas through Federal Award Number 2017-VA-GX-0045 on September 28, 2017, by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime.

The funds distributed to the Subgrantee by the State of Kansas will be administered by the Kansas Governor's Grants Program (KGGP) and used to provide crime victim assistance programs as allowed by 34 U.S.C. §20103(a) and (b). The distribution of grant funds is contingent upon receipt of adequate funds and appropriations to the KGGP. All terms of the grant award are non-negotiable by the Subgrantee.

The Catalog of Federal Domestic Assistance, or CFDA, number for the Federal Victims of Crime Act Victim Assistance Program is 16.575. This document contains information specific to this federal grant program.

The subgrant project awarded to **City of Wichita Police Department** (Subgrantee), Unique Entity Identifier: **DUNS 043063460**, is for the total amount of **\$214,248**. The portion of the grant award funded by the federal VOCA grant (80% of the total grant project) is **\$171,398**. The portion of the grant award that must be funded by the Subgrantee (20% non-federal cash or in-kind match) is **\$42,850**. The use of non-federal match is restricted to the same guidelines, purposes, and allowable costs as the federal funds. All references to the "grant award" or "grant project" are inclusive of both federal funds and non-federal match.

The grant project number for this subgrant award is **20-VOCA-46**. As stated in the Subgrantee application, the approved project description is:

The VOCA grant will allow the Victims Assistance Unit to serve as a first advocacy responder to victims of crime under the Wichita Police Department supervision.

With acceptance of this grant award, the Subgrantee assures the following:

1. **AWARD PERIOD:** This grant award is for the period October 1, 2019, to September 30, 2020. The Subgrantee shall not allocate any expense made or incurred prior to October 1, 2019, or after September 30, 2020, to this grant award. The Subgrantee shall not allocate any expenditure for any activity, event, or conference that will occur outside the grant award period. All grant award expenses properly obligated on or before September 30, 2020, must be paid within 30 days following the end of the grant award period.
2. **APPROVED PURPOSES AND LIMITATIONS:** Grant project funds shall only be expended for the program described in 34 U.S.C. §20103(a) and (b); for the purpose approved by the KGGP; in accordance with any terms and conditions the KGGP attaches

to the grant award; and for approved VOCA activities, attributable to the VOCA approved project.

The Subgrantee shall not be approved to use grant funds as follows:

- To supplant federal, state, or local funds that would otherwise be available for crime victim services;
  - For research or fundraising projects, either directly or indirectly;
  - For constructions or renovation and/or purchase of land;
  - To lease, construct, expand, acquire, remodel, renovate, repair, furnish, or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized; or
  - To pay debts or support other agency programs, initiatives, or expenses incurred by other activities beyond the scope of the approved VOCA project.
3. **SOLICITATION:** The Subgrantee shall be in compliance with the specifications outlined in the solicitation under which the submitted application was approved. The terms and conditions of the VOCA solicitation are hereby incorporated by reference into this award.
4. **LAWS AND REGULATIONS:** The Subgrantee shall comply with all applicable state and federal laws and regulations that include, among other relevant authorities, the following:
- The [Federal VOCA Rule](#) (revised 2016);
  - The Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. §§10228(c) and 10221(a);
  - The provisions of 28 C.F.R. applicable to grants (including Parts 18, 22, 23, 30, 35, 38, 42, 54, 61 and 63) and the award term in 2 C.F.R. §175.15(b);
  - The VOCA Program Guidelines and Reporting Requirements as established by the KGGP;
  - The Drug-Free Workplace Act of 1988, implemented at 28 C.F.R. Part 67, Subpart F, for grantees, as defined at 28 C.F.R. §67.615 and 28 C.F.R. §67.620; and
  - The requirements of the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition.

The Subgrantee shall comply with all applicable restrictions on the use of these federal VOCA grant project funds set out in federal appropriations statutes and refer to pertinent restrictions and general provisions set out for [Federal FY 2017](#) or [Federal FY 2018](#), as applicable.

In addition, a Subgrantee that enters into any contractual or mutual agreement in which a specific role or responsibility of the approved VOCA grant project is assumed by the partnering/contractual entity, will be responsible for assuring compliance with requirements in the Grant Assurances document is met by the partnering/contractual entity.

5. **CONFIDENTIALITY:** The Subgrantee assures that procedures have been or will be developed to ensure the confidentiality of records pertaining to persons receiving assistance or services from any Subgrantee grant project assisted by VOCA. The Subgrantee shall comply with all applicable federal and state confidentiality laws including, but not limited to, The McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11383 and amendments thereto.
6. **DISSEMINATION OF CRIME VICTIMS' RIGHTS INFORMATION:** The Subgrantee assures that services and assistance provided by VOCA-funded staff and volunteers to crime victims shall include the dissemination of crime victims' rights information, including the statutory rights of crime victims and crime victim compensation. VOCA-funded staff and volunteers shall receive information and training on crime victim compensation and on all applicable laws pertaining to crime victims' rights.
7. **DIRECT VICTIM ASSISTANCE:** The Subgrantee shall use "Direct Assistance to Victims" funds only for the immediate health and safety of crime victims. Written documentation to support the use of these funds for this purpose must be maintained. The Subgrantee shall not use grant project funds to make direct payments to any crime victim or a dependent of any crime victim. Further, the Subgrantee assures that gift cards will not be provided directly to victims as a substitute for cash.
8. **SERVICE FEES:** The Subgrantee shall not charge a fee of any kind for any service provided under this grant award. The Subgrantee shall not generate income of any kind through services funded with VOCA grant funds without the prior express written approval of the KGGP.
9. **REPORTING REQUIREMENTS:** The Subgrantee shall comply with any evaluative, statistical, or financial reporting requirements of the Federal VOCA Program or those set by the KGGP. Any grant requirement deadline not met in which there was not prior approval for an extension will result in consideration by the KGGP to suspend, decrease, or terminate the grant award. This requirement includes, but is not limited to, signed Grant Assurances, Special Conditions, financial reports, programmatic reports, and grant project compliance review requirements.
10. **DEMOGRAPHIC DATA:** The Subgrantee shall collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.
11. **DUNS and SAM:** The Subgrantee shall maintain a valid Data Universal Numbering System (DUNS) profile, managed at [www.dnb.com/us](http://www.dnb.com/us). Further, the Subgrantee shall maintain an active registration status in the [U.S. System for Award Management \(SAM\)](#) for the duration of the grant award period.
12. **INTEGRITY AND PERFORMANCE MATTERS:** The Subgrantee shall comply with all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with this VOCA award or any other grant,

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cooperative agreement, or procurement contract from the federal government. Details of reporting obligations are posted at <https://ojp.gov/funding/FAPIIS.htm>.

13. **TRAINING AND TECHNICAL ASSISTANCE:** The Subgrantee shall participate in KGGP-sponsored training or technical assistance events as required by the KGGP. Inclusively, the Subgrantee assures that a) at a minimum of one VOCA-funded staff member attends the [Annual Crime Victims' Rights Conference](#), Wichita, in April 2020 and b) any newly hired VOCA-funded staff submit an application to the KGGP to attend [Kansas Academy for Victim Assistance](#), no later than 30 days from their start date.
14. **USE OF VOLUNTEERS:** The Subgrantee shall use volunteers unless the Subgrantee submits a written volunteer waiver pursuant to the instructions provided in the VOCA solicitation and the KGGP determines the Subgrantee has proven that a compelling reason exists to waive this requirement.
15. **PERSONNEL INFORMATION:** Job descriptions, résumés, and compensation, including salary/wages and bonuses, for all grant-funded staff shall be maintained by the Subgrantee and available for review by the KGGP. These grant project funds shall be utilized for the provision of approved services only and the job descriptions must reflect this requirement.
16. **TIME AND ACTIVITY:** The Subgrantee shall keep daily time and activity records for all staff funded by this grant project that document the services and grant projects that the staff person worked on and the time spent providing the services or programs. Such time and activity records must account for 100 percent of staff time regardless of the percentage funded by this grant award and shall reflect actual activities performed and the actual time spent on such activities, by each employee. Activity records that are “recycled” week to week are not allowable. The Subgrantee shall use the time and activity records to distribute actual payroll and related fringe benefits costs to each funding source for each pay cycle accordingly. Time and activity records shall be signed by the staff member and supervisor and shall be kept and compiled in the Subgrantee’s administrative files and available for review. By signing the records, the employee and supervisor are certifying the records are true, complete, and accurate. Volunteer service hours used as match must be documented and, to the extent feasible, supported by the same methods used by the organization for paid employees.

These requirements extend to outside employees and persons who will perform contractual work. Subgrantees shall keep time and activity documentation in hourly increments for contractors providing direct client services, training, or consulting funded by this grant project. For agency contracts entered into for operating costs including, but not limited to, janitorial services, website services, technology services, and maintenance, the Subgrantee shall retain copies of contracts and/or invoices but is not required to maintain detailed time and activity records.

17. **PROCUREMENT PRACTICES:** The Subgrantee shall comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold

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(currently \$250,000). The Subgrantee shall contact the KGGP for guidance in meeting the necessary requirements for prior approval.

In procurement transactions, the Subgrantee will not discriminate on the basis of a person or entity's status as an "associate of the federal government," except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by the KGGP and the U.S. Department of Justice. The term "associate of the federal government" means any person or entity engaged or employed (past or current) by or on behalf of the federal government, as an employee, contractor or subcontractor, grant recipient or subrecipient, agent, or otherwise, in undertaking any work, project, or activity for or on behalf of the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity in future. Nothing in this condition shall be understood to authorize or require any Subgrantee, person or other entity to violate any federal law, including any applicable civil rights or nondiscrimination law.

- 18. ACCOUNTING:** Grant fund accounting, auditing, and monitoring procedures necessary to maintain records as the KGGP prescribes shall be employed to ensure fiscal control, proper management, and proper expenditure of grant project funds. The Subgrantee shall maintain books, records, documents, and other evidence to identify the costs directly associated with the delivery of services, specific outcomes, and benefits outlined in the approved grant application. This means at a minimum:

- (a) The Subgrantee shall keep records that segregate the grant project federal and match funds from all other funds received by the Subgrantee, keep its accounting for this grant project separate from the accounting of other funds, and spend and report in accordance with the approved grant project budget by program and budget line items;
- (b) The Subgrantee shall keep supporting documentation for all costs charged to this grant project. This includes payroll reports, time and activity records, invoices, and other financial documentation for all paid expenses; the portion of the grant project supported by other sources of revenue; contracts for services; and other records that facilitate an effective compliance review; and
- (c) The Subgrantee shall adhere to the applicable financial and administrative rules as referenced in the U.S. Department of Justice [DOJ Grants Financial Guide](#) effective edition, and the applicable requirements set forth in the Federal Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (hereinafter "Uniform Guidance"), [2 C.F.R. Part 200](#), as adopted and supplemented by the U.S. Department of Justice in [2 C.F.R. Part 2800](#).

- 19. ALLOWABLE COSTS:** All costs allocated to the VOCA grant project shall be consistent with the principles set out in the Federal OMB Uniform Guidance, [2 C.F.R. Part 200](#), Subpart E, and those permitted by the grant program's authorizing legislation. Costs must be reasonable, allocable, and necessary to the grant project's success.

20. **INDIRECT COSTS:** Any indirect cost rate applied to the VOCA grant project will be approved by the KGGP prior to the application of such indirect costs against grant project expenditures. Further, the Subgrantee assures compliance with Section 200.414 of the Federal OMB Uniform Guidance, [2 C.F.R. Part 200](#), Subpart E, and the applicable appendices.
21. **AUDIT REQUIREMENTS:** The Subgrantee shall undergo a financial statement audit conducted by an independent certified public accountant for the applicable agency fiscal period(s) under which these grant funds are expended. Such audit must comply with the applicable Federal OMB Uniform Guidance, [2 C.F.R. Part 200](#), Subpart F, organizational audit requirements and the Single Audit requirements. The financial statements are or will be accessible by the public. Nonprofit subgrantees shall mail to the KGGP a copy of the audit report(s), including Single Audit if one is completed, related to expenditure of these VOCA funds. Likewise, governmental subgrantees shall provide the KGGP specific instructions for accessing the entity's audit report(s) related to expenditure of these VOCA funds.
22. **RECORDS:** All records shall be subject at all reasonable times to inspection, review, or audit by State personnel and other personnel duly authorized by the KGGP, as well as Federal personnel. All financial records, supporting documentation, statistical records, and all other records pertinent to the grant award shall be retained by the Subgrantee for at least five years following the closeout of the grant award.
- The Subgrantee shall cooperate with any assessments, national evaluation efforts, or information or data collection requests including, but not limited to, the provision of any information required for the assessment or evaluation of activities within this project.
23. **EQUIPMENT:** The Subgrantee shall submit reports detailing the purchase of equipment within 30 days of the payment date. The Subgrantee assures that equipment purchased through this grant project will continue to be used for the purpose it was purchased for as long as needed, whether or not the agency continues to be supported by VOCA.
24. **FOOD AND/OR BEVERAGE:** The Subgrantee shall not use any portion of these funds, either directly or indirectly, to purchase food and/or beverage for any meeting, conference, training, or other event. This restriction does not apply to direct payments of per diem amounts to Subgrantee staff in a travel status under the Subgrantee's travel policy and approved in the VOCA grant project budget.
25. **PUBLICATIONS AND MATERIALS:** All issued statements, publicity releases, or other documents (written, visual, or sound) describing the funded grant project, as well as all materials developed or published with funds from this grant award, shall contain an acknowledgment of support comparable to the following:

“This grant project is supported by subgrant number 20-VOCA-46 awarded through the Federal Office for Victims of Crime as administered by the Kansas Governor's Grants Program. The opinions, findings, conclusions, or recommendations expressed in this

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publication, program, or exhibition are those of the author(s) and do not necessarily reflect the views of the Office of the Kansas Governor or the U.S. Department of Justice.”

This condition also extends to VOCA grant project-funded website services, which must contain the above acknowledgement. However, the Subgrantee assures that any VOCA grant project-funded website services will also meet the “Approved Purposes and Limitations” Grant Assurance and not contain fundraising or solicitation information.

The Subgrantee assures that two copies of all materials published or posted with grant project funds from this grant award shall be submitted to the KGGP at least 30 days prior to publication.

26. **TRAINING AND TRAINING MATERIAL:** The Subgrantee assures that any training or training materials developed or delivered to Subgrantee direct victim service staff with VOCA grant project funds, if approved in the VOCA award and project budget, will adhere to the [OJP Training Guiding Principles](#) in the development and/or delivery of training and training materials. The Subgrantee shall submit two copies of all training information including training dates, agendas, and handout materials funded by this grant award to the KGGP at least 30 days prior to the training dates.

27. **EQUAL EMPLOYMENT OPPORTUNITY PROGRAM:** If required by federal (28 C.F.R. Part 42, Subpart E) and state law, the Subgrantee has formulated an equal employment opportunity (EEO) program.

The Subgrantee assures they have provided the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights (OCR) with a current Federal Office for Civil Rights EEO certification form and, if required, have created and submitted an EEO Utilization Report. Submissions must be made through the [Equal Employment Opportunity Program Reporting Tool](#). Documentation of this submission must be maintained by the Subgrantee and submitted with the Civil Rights Compliance Form. For assistance in setting up a new account, please refer to the [OCR EEO Reporting Tool Job Aid](#). The Subgrantee acknowledges that failure to submit an acceptable EEOP or applicable certification may result in suspension or termination of funding, until such time as the Subgrantee is in compliance. Technical assistance is available from the OCR at (202) 307-0690.

28. **CIVIL RIGHTS AND NONDISCRIMINATION:** The Subgrantee assures that all grant projects provided by the Subgrantee shall comply with all applicable nondiscrimination requirements including, but not limited to, the Victims of Crime Act (VOCA) of 1984, as amended, 34 U.S.C. §20110(e); the Violence Against Women Act (VAWA) of 1994, as amended, 34 U.S.C. §12291(b)(13); the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. §§10228(c) and 10221(a); Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000(d) *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794; Subtitle A, Title II of the Americans with Disabilities Act (ADA) of 1990, as amended, 42 U.S.C. §12131 *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*; the Juvenile

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Justice and Delinquency Prevention Act of 2002, as amended, 34 U.S.C. §11182(b); the Age Discrimination Act of 1975, 42 U.S.C. §6101 *et seq.*; Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C, D, E, and G; Department of Justice regulations on disability discrimination, 28 C.F.R. Part 35 and Part 39; Department of Justice regulations on nondiscrimination in certain education programs, 28 C.F.R. Part 54; and 28 C.F.R. Part 46 and all U.S. Department of Justice, Office of Justice Programs policies and procedures regarding the protection of human research subjects.

Subgrantees shall refer to the U.S. Department of Justice Guidance, [Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 \(June 2013\)](#) and be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination.

*Kansas Executive Order (EO) 19-02:* Pursuant to [EO 19-02](#), the Subgrantee shall expressly require all hiring must be on the basis of individual merit and qualifications and expressly prohibit discrimination based on race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position.

*Kansas EO 18-04:* Pursuant to [EO 18-04](#), the Subgrantee:

- Shall comply with all state and federal employment discrimination laws prohibiting sexual harassment and retaliation in the workplace;
- Shall establish agency policies regarding sexual harassment, discrimination, retaliation, confidentiality and anonymous reporting, applicability to intern positions, and training of the policy; and
- Shall conduct annual mandatory training seminars for all staff, employees, and interns in regard to the office regarding the policy against sexual harassment, discrimination, and retaliation, and shall maintain a record of attendance.

*Civil Rights Contact:* The name of the person who has lead responsibility for ensuring that all applicable civil rights requirements are met has been provided to the KGGP. This person shall act as a liaison for civil rights issues with the U.S. Department of Justice, Office of Justice Programs, OCR.

*Civil Rights Finding:* In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability against the Subgrantee, the Subgrantee shall forward a copy of the findings to the KGGP and the U.S. Department of Justice, Office of Justice Programs, OCR.

*Civil Rights Policies and Procedures:* The Subgrantee is required to have written policies and procedures in place to assure compliance with applicable civil rights laws, regulations, and policies.

*Training:* The Subgrantee assures all agency staff participate in annual training of its civil rights policies and procedures.

*Civil Rights Compliance Form:* The Subgrantee is required to complete the [Civil Rights Compliance Form](#) and submit the required documents. The KGGP will verify a current (less than one year old) completed form is on file before the grant award will be considered open.

- 29. EQUAL TREATMENT FOR FAITH-BASED AND OTHER NEIGHBORHOOD ORGANIZATIONS:** All grant projects provided by the Subgrantee shall comply with the Equal Treatment for Faith-Based Organizations Regulation, 28 C.F.R. Part 38 and amendments thereto. The Subgrantee shall not discriminate against prospective program beneficiaries on the basis of religion. The Subgrantee shall not use grant funds for inherently religious activities, such as worship, religious instruction, or proselytization. Subrecipients of grants may still engage in inherently religious activities, but such activities must be completely separate in time or place from the grant-funded program and participation in such activities by individuals receiving services from the Subgrantee must be voluntary. Further, the Subgrantee shall not discriminate in the provision of services on the basis of a beneficiary's religion, religious belief, refusal to hold a religious belief, or refusal to attend or participate in a religious practice.

Subgrantees are required to provide written notice of beneficiary protections as set forth at [https://www.law.cornell.edu/cfr/text/28/appendix-A to part 38](https://www.law.cornell.edu/cfr/text/28/appendix-A%20to%20part%2038).

- 30. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS:** As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 C.F.R. Part 67, for prospective participants in primary covered transactions, as defined at 28 C.F.R. Part 67, Section 67.510, the Subgrantee certifies that it and its principles:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) above; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

**31. POLITICAL ACTIVITY:** The Subgrantee shall comply with all applicable federal and state statutes and regulations applicable to political activity restrictions and requirements including, but not limited to, The Hatch Act, 5 U.S.C. §7321-7326, as amended; 5 C.F.R. Part 733 and 5 C.F.R. Part 734 subparts A-G; K.S.A. 75-2953; K.S.A. 25-4169a; and K.S.A. 75-2949f. Frequently asked questions regarding The Hatch Act can be found at <https://osc.gov/Services/Pages/HatchAct-FAQ.aspx>.

**32. LIMITATION ON LOBBYING ACTIVITIES:** The Subgrantee shall not use any federal funds, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government without the express prior written approval of the Federal Office of Justice Programs and the KGGP, in order to avoid violation of 18 U.S.C. §1913.

As required by 31 U.S.C. §1352 and implemented at 28 C.F.R. Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 C.F.R. Part 69, the Subgrantee certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subgrantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant, the Subgrantee shall complete and submit Standard Form – LLL, “Disclosure of Lobbying Activities,” in accordance with its instructions; and
- (c) The Subgrantee shall include the language of this certification in the award documents for all contracts entered into and shall certify and disclose accordingly.

**33. LIMITED ENGLISH PROFICIENCY:** Procedures are in place to ensure meaningful access by persons with limited English proficiency (LEP) that are eligible for assistance or services from any Subgrantee program assisted under VOCA. The Subgrantee is

required to complete the [Civil Rights Compliance Form](#). The KGGP will verify on an annual basis the Subgrantee has a LEP policy meeting federal criteria.

For additional guidance in complying with the LEP assurance, please refer to the U.S. Department of Justice *Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* at 67 C.F.R. 41455 (June 18, 2002) or [www.lep.gov](http://www.lep.gov).

- 34. BREACH OF PERSONALLY IDENTIFIABLE INFORMATION:** The Subgrantee has written procedures in place to respond in the event of an actual or imminent breach, as defined in OMB M-17-12, if the Subgrantee 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information (PII), as defined in 2 C.F.R. 200.79, within the scope of a VOCA-funded program or activity, or 2) uses or operates a Federal information system, as defined in OMB Circular A-130. Such procedures must include a requirement to report actual or imminent breach of PII to the KGGP no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.
- 35. TEXT MESSAGING:** The Subgrantee is encouraged to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, pursuant to Executive Order 13513, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers. Kansas law prohibits texting while driving (K.S.A. 8-15,111).
- 36. HISTORIC PRESERVATION:** The Subgrantee is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. §306108; Executive Order 11593; the Archeological and Historic Preservation Act of 1974, 54 U.S.C. §312501-312508; the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. §4321-4335; and 28 C.F.R. Parts 61 (NEPA) and 63 (floodplains and wetlands). The Subgrantee shall comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
- 37. NATIONAL ENVIRONMENTAL POLICY ACT:** The Subgrantee is in compliance with the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 *et seq.*, and other related federal environmental impact analysis requirements in the use of these grant funds. The Subgrantee understands that this applies to new activities whether or not they are being specifically funded by these grant funds. That is, as long as the activity is being conducted by the Subgrantee and the activity needs to be undertaken in order to use these grant funds, this assurance must first be met. The Subgrantee shall notify the KGGP prior to any of the activities taking place. The activities covered by this provision are:
- (a) New Construction;
  - (b) Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland or a habitat for endangered species, or a property listed on or

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- eligible for listing on the National Register of Historic Places;
- (c) A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- (d) Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- (e) Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The Subgrantee assures it will cooperate with the Federal Office of Justice Programs (OJP) in any preparation by OJP of a national or program environmental assessment of the funded program activity.

- 38. **PROHIBITED CONDUCT RELATED TO TRAFFICKING IN PERSONS:** The Subgrantee shall comply with all applicable requirements pertaining to prohibited conduct related to the trafficking of persons. Details related to this prohibited conduct related to trafficking in persons condition are posted at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> and are incorporated by reference in this assurance.
- 39. **DISCLAIMER OF LIABILITY:** Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any Subgrantee beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*) and shall not be held liable for the payment of damages resulting from the performance of installing, maintaining, or providing grant-funded services.
- 40. **INSURANCE:** The KGGP shall not purchase any insurance against loss or damage to any personal property purchased with grant project funds. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*), the Subgrantee shall bear the risk of any loss or damage to any personal property purchased with grant funds.
- 41. **ADDITIONAL REQUIREMENTS:** The Subgrantee understands and agrees to comply with any additional requirements that may be imposed during the grant performance period if the KGGP determines that it is warranted.
- 42. **MISUSE OF GRANT FUNDS:** Misuse of grant funds may result in a range of penalties, including suspension of current and future grant funds, suspension or debarment from state and/or federal grants, recoupment of monies provided under the grant award, and civil and/or criminal penalties.
- 43. **FRAUD, WASTE, AND ABUSE:** The Subgrantee shall promptly refer to the U.S. Department of Justice, Office of the Inspector General and the KGGP any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has submitted a false claim for VOCA grant funds under the False Claims Act or committed a criminal or civil violation of laws pertaining to fraud, conflict of interest,

bribery, gratuity, or similar misconduct involving VOCA funds. Additional information can be found at [www.usdoj.gov/oig](http://www.usdoj.gov/oig). Potential fraud, waste, abuse, or misconduct shall be reported to:

Office of the Inspector General    AND  
U.S. Department of Justice  
Investigations Division  
1425 New York Avenue, N.W.  
Suite 7100  
Washington, DC 20530  
Email: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov)  
Hotline: 800-869-4499  
Hotline Fax: 202-616-9881

Kansas Governor's Grants Program  
Landon State Office Bldg., Room 304 North  
900 SW Jackson Street  
Topeka, KS 66612-1220  
Phone: 785-291-3205

- 44. NON-DISCLOSURE AGREEMENTS AND PROHIBITIONS ON REPRISAL:** The Subgrantee shall not require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. This requirement is not intended to contravene requirements applicable to Standard Form 312 (relating to classified information), Form 4414 (relating to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

The Subgrantee shall comply with 41 U.S.C. §4712 and shall not discriminate against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant. The Subgrantee shall inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. §4712.

- 45. UNUSED FUNDS:** The Subgrantee shall return to the KGGP any unused grant funds on hand within 10 business days after the final Financial Status Report is due.
- 46. FAILURE TO COMMENCE GRANT PROJECT:** If the activities described in the grant application have not commenced within 60 days after acceptance of the grant award, the Subgrantee shall report in writing the steps taken to initiate the grant project, the reasons for delay, and the expected starting date. If the activities have not commenced within the next 30 days of receipt of the above correspondence, a further statement in writing regarding the delay shall be submitted to the KGGP. Upon receipt of the second correspondence, the KGGP may terminate the grant and all unused grant funds shall be returned together with a complete accounting of all expenditures.
- 47. RIGHT TO TERMINATE:** The KGGP reserves the right to terminate any grant award and cease payment to the Subgrantee for failure to comply with applicable laws, regulations, and/or terms and conditions of the grant assurances. Further, the KGGP may

seek reimbursement of any or all grant funds and may reclaim any equipment, durable goods, and other property purchased with these grant funds if the Subgrantee fails to perform in accordance with the terms of the grant assurances and reporting requirements.

48. **CORRESPONDENCE AND REPORTS:** Grant Assurances shall be signed, scanned, and emailed to [kggp@ks.gov](mailto:kggp@ks.gov) or mailed to the **Kansas Governor's Grants Program, Landon State Office Building, Room 304 North, 900 SW Jackson Street, Topeka, Kansas 66612-1220**. All other correspondence, reports, and documentation required by this grant shall be submitted through the [Kansas Governor's Grants Program Grant Portal](#), unless otherwise noted and described in the 2020 VOCA Reporting Requirements. The Subgrantee further understands and agrees that by submitting financial reports on the Grant Portal they are certifying to the following statement: "To the best of the Subgrantee's knowledge and belief the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. The Subgrantee is aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject the Subgrantee or criminal, civil or administrative penalties for fraud, false statements, false claims, or otherwise."

49. **SPECIAL CONDITION(S):**

- (a) **The Subgrantee shall attend a webinar training regarding the Grant Assurances and Reporting Requirements at 9:30 am, January 8, 2020. Failure to participate in the webinar could result in the interruption or suspension of the grant award. The KGGP will email access instructions to the Subgrantee primary contact.**

50. **REQUIRED SIGNATURE:**

*As the Authorized Certifying Official, I have read and fully understand this Grant Assurances document. By signing, I accept the conditions stated in this document.*

---

Signature of Authorized Certifying Official

---

Date

---

Type or Print Name of Authorized Certifying Official

---

Title

---

Address (Street, City, State, Zip Code)

\_\_\_\_\_ (initials of Authorized Certifying Official)

RESOLUTION NO. 20-017

A RESOLUTION ESTABLISHING THE ORDER OF SUCCESSION, IN THE ABSENCE FROM THE CITY OF THE MAYOR AND THE VICE MAYOR.

WHEREAS, Section 2.04.032 of the City Code provides that the City Council is to designate from membership, members to serve as Mayor in the absence from the City of the Mayor, Vice Mayor, or other Council Members:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WICHITA, KANSAS:

SECTION 1. That the order of succession as Mayor of the City of Wichita, Kansas, in the absence of the Mayor and the Vice Mayor or other Council Member shall be:

Council Member Cindy Claycomb  
Council Member Brandon Johnson  
Council Member Becky Tuttle  
Council Member Bryan Frye  
Council Member James Clendenin  
Council Member Jeff Blubaugh

SECTION 2. This Resolution shall be in force and effect after its passage.

ADOPTED at Wichita, Kansas, this 21st day of January, 2020.

\_\_\_\_\_  
Brandon J. Whipple, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law

SECOND READING ORDINANCES FOR JANUARY 21, 2020 (FIRST READ JANUARY 14, 2020)

a. ORDINANCE NO. 51-176

AN ORDINANCE ESTABLISHING A BUSINESS IMPROVEMENT DISTRICT FOR THE DOUGLAS DESIGN DISTRICT WITHIN THE CITY OF WICHITA, KANSAS, DESCRIBING ITS BOUNDARIES, PROVIDING FOR THE ADMINISTRATION AND FINANCING OF ADDITIONAL AND EXTENDED SERVICES WITHIN SUCH DISTRICT, CREATING A DISTRICT ADVISORY BOARD FOR SUCH DISTRICT AND PROVIDING FOR THE DUTIES OF THE BOARD, THE TERMS OF ITS MEMBERS AND THEIR METHOD OF APPOINTMENT.

*Case No. DER2019-00011*

b. ORDINANCE NO. 51-178

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

*Case No. PUD209-00016*

c. ORDINANCE NO. 51-179

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

*Case No. PUD2019-00017*

City of Wichita  
City Council Meeting  
January 21, 2020

**TO:** Mayor and City Council

**SUBJECT:** ZON2019-00048 and CUP2019-00040 – City Zone Change from SF-5 Single-Family Residential to LC Limited Commercial and creation of New Trinity Academy Community Unit Plan (DP-352) Located on the South Side of East 21<sup>st</sup> Street North and West of North 127<sup>th</sup> Street East (District II)

**INITIATED BY:** Metropolitan Area Planning Department

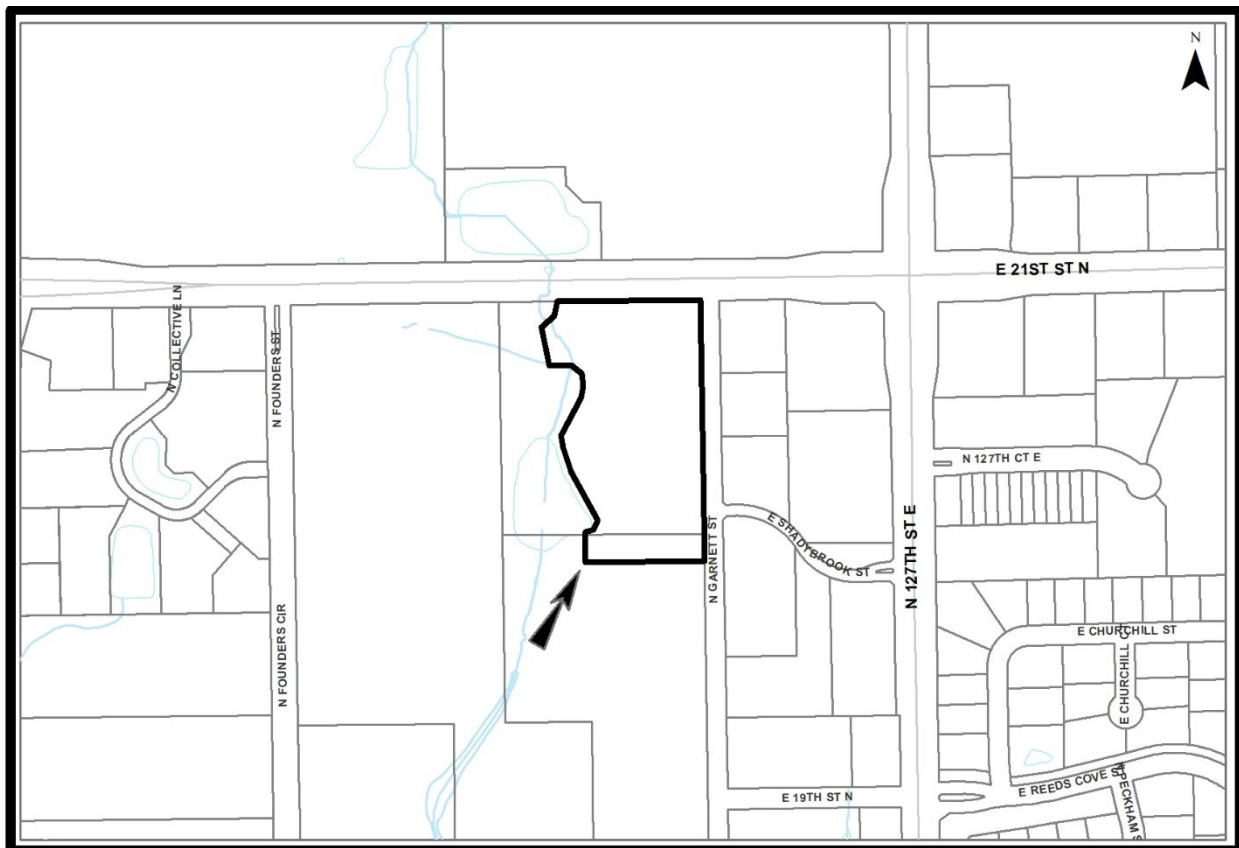
**AGENDA:** Planning (Consent)

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**MAPC Recommendations:** The Metropolitan Area Planning Commission recommended approval of the rezoning from SF-5 Single-Family Residential to LC Limited Commercial and creation of the new Trinity Academy Community Unit Plan (DP-352) by a vote of 11-0.

**MAPD Staff Recommendations:** Planning staff recommended approval of the rezoning and creation of the new Community Unit Plan.

**DAB Recommendations:** District Advisory Board (DAB) II will review the request at its meeting on January 14, 2020.



**BACKGROUND:** The applicant has submitted a request to rezone approximately 6.56 acres zoned SF-5 Single-Family Residential (SF-5) located south of East 21<sup>st</sup> Street North and west of North 127<sup>th</sup> Street East. The subject property is part of the larger Trinity Academy property at this location, mostly located west and south of the subject property. The application concerns the rezoning of the property from SF-5 to LC and the establishment of a Community Unit Plan (CUP) DP-352 for the Trinity Academy CUP. A separate application for the platting of this property is also being considered, to be known as the Trinity Academy 3<sup>rd</sup> Addition. The lot layout for the final plat matches the parcel layout in the CUP.

The applicant and agent indicated at the time of application the intention was to provide parcels to develop commercially, with the hope some of the commercial ventures would utilize students of Trinity Academy for apprenticeships and other training opportunities with those business ventures. It was anticipated Parcel 1 would be occupied by a financial institution and that there would be a mixed-use facility constructed on Parcel 5 with support for the sports facility south of the subject property on the lower floor and commercial space on the upper floor of the proposed building.

This land also falls into Zone “C” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport. The height restrictions for all structures on Zone “A” properties are 150 feet, subject to provisions outlined in the Airport Hazard Zoning Regulations found in Section 28-08 of the Wichita Municipal Code and Sedgwick County Resolution No. 277-1995. The language proposed in the CUP will address the manner in which structures higher than 150 feet will be addressed through the building permit process.

The proposed CUP contains 5 parcels. Parcel size ranges from 0.94 acres to 1.59 acres. All parcels are proposed to be zoned LC and are to permit all uses permitted by-right by the LC zoning district, except for a list of specifically prohibited uses as outlined in the General Provisions of the CUP.

The surrounding area is dominated by SF-5 to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21<sup>st</sup> Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.

**Analysis:** On December 19, 2019, the Metropolitan Area Planning Commission (MAPC) recommended approval of the rezoning from SF-5 to LC and creation of the new Trinity Academy CUP (DP-352) by a vote of 11-0. There were no members of public at the public hearing. The minutes of the MAPC hearing are attached.

The District Advisory Board (DAB) II will reviewed this application on January 14, 2020. The memo from the DAB II meeting is not available.

No petitions were submitted concerning this application.

**Financial Considerations:** Approval of the request will not create any atypical financial considerations to the City.

**Legal Considerations:** The Law Department has reviewed and approved the ordinance as to form.

**Recommendation/Actions:** It is recommended that the City Council adopt the findings of the MAPC and approve the requested zone change and the creation of the new CUP, place the ordinance on first reading, authorize the necessary signatures, and instruct the City Clerk to publish the ordinance after approval on second reading (requires four of seven votes).

**Attachments:** CUP  
MAPC minutes  
Ordinance

**TRINITY ACADEMY**  
**Community Unit Plan DP-352**  
*Case Numbers: ZON2019-00048 & CUP2019-00040*

**Development Guidelines**

***General Provisions***

Current 12-17-2019

1. This development contains 286,025 square feet or 6.56 acres, more or less.

2. Parcel Descriptions:

Parcel 1

Gross Area = 0.97 Ac. or 42,260 Sq. Ft.  
Maximum Height = 45 feet  
Maximum Coverage = 25% or 10,565 Sq. Ft.  
Max. Gross Floor Area = 25%

Parcel 2

Gross Area = 0.99 Ac. or 43,281 Sq. Ft.  
Maximum Height = 45 feet  
Maximum Coverage = 30% or 12,984 Sq. Ft.  
Max. Gross Floor Area = 35% or 15,148 Sq. Ft.

Parcel 3

Gross Area = 1.59 Ac. or 69,449 Sq. Ft.  
Maximum Height = 45 feet  
Maximum Coverage = 30% or 20,835 Sq. Ft.  
Max. Gross Floor Area = 35% or 24,307 Sq. Ft.

Parcel 4

Gross Area = 1.46 Ac. or 63,778 Sq. Ft.  
Maximum Height = 45 feet  
Maximum Coverage = 30% or 19,133 Sq. Ft.  
Max. Gross Floor Area = 35% or 22,322 Sq. Ft.

Parcel 5

Gross Area = 1.54 Ac. or 67,257 Sq. Ft.  
Maximum Height = 45 feet  
Maximum Coverage = 30% or 20,177 Sq. Ft.  
Max. Gross Floor Area = 40% or 26,903 Sq. Ft.

3. Land Uses:

The following uses are permitted for Parcels within the CUP:

A. All allowed uses permitted by right within the LC Limited Commercial Zoning District with the following EXCEPTIONS;

No Parcels within this CUP shall allow:

Single Family Residential; Duplex; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument



Sales; Parking Area, Commercial; Night Club in the City; Tavern and Drinking Establishment; Pawn Shop; Recreational Vehicle Campground; Sexually Oriented Business in the City; Tattooing and Body Piercing Facility; Construction Sales and Service; Kennel - Hobby; Kennel - Boarding/Breeding/Training; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; Solid Waste Incinerator; Agricultural Sales and Services.

- B. Secondhand Store, as defined by the UZC, shall be permitted only as incidental and subordinate to the principal use.
  - C. The uses permitted by the CUP are only those uses permitted by right and not by conditional use unless specifically identified.
  - D. Parcel compatibility shall be managed by the developer with covenants, conditions, and restrictions.
4. Architectural Controls: All buildings within the CUP shall share a uniform architectural character, color, and similar predominate exterior building material, as determined by the Director of Planning. The predominant exterior building materials shall be non-metal unless approved by the Director of Planning.
5. Landscaping for this site shall be required as follows:
- A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.
  - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above-referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to issuance of any building permit(s).
  - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit if the required landscape has not been planted.
  - D. Failure to properly maintain the required landscaping shall be considered a violation of the CUP after the determination by the Director of Planning.
6. Lighting:
- A. Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV; as well as the provisions of the Wichita-Sedgwick County Airport Hazard Zoning Code, Section 28-08 of the Wichita Municipal Code, and the amendments thereto, provided, however, the following:
  - B. All Parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.), as approved by the Director of the MAPD.
  - C. All Parcels are allowed light poles up to 30 feet including the ground bases. This 30-foot height allowance shall be permitted within the north 100 feet of Parcels 1 and 2 were adjoining the existing place of worship land use and along the balance of Trinity property to the west.
  - D. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.

7. Screening for this site shall be required as follows:
  - A. Rooftop mechanical equipment shall be screened from ground level view per Wichita-Sedgwick County Unified Zoning Code.
  - B. Trash receptacles, loading docks, and loading areas shall be appropriately screened to reasonably hide them from ground level view with fencing and/or landscaping.
  - C. No screening walls are required on the subject property where abutting residential zoning classification due to the existing uses of places of worship and school and due to the compatibility of the use of this CUP.
8. Building Setbacks are as shown hereon; 25 foot along 21st Street and Garnett Street frontages, if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required. If not contiguously owned the minimum side/rear setback shall be 10 feet.
9. Parking: All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, and amendments thereto, unless otherwise specified.
10. Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.
11. Signs: Are as permitted under the current Sign Code of the City of Wichita for "LC" Limited Commercial Zoning District, and amendments thereto. Additionally, the following conditions apply:

All tenant and development signs shall be monument signs.

21st Street Frontage - Three signs having a maximum height of 21 feet and having a total area not exceeding 344 square feet, minimum separation between signs shall be 130 feet. No single sign shall exceed 200 square feet.

Garnett Street Frontage - Five signs having a maximum height of 15 feet and having a total area not exceeding 378 square feet minimum separation between signs shall be 150 feet. No single sign shall exceed 120 square feet.

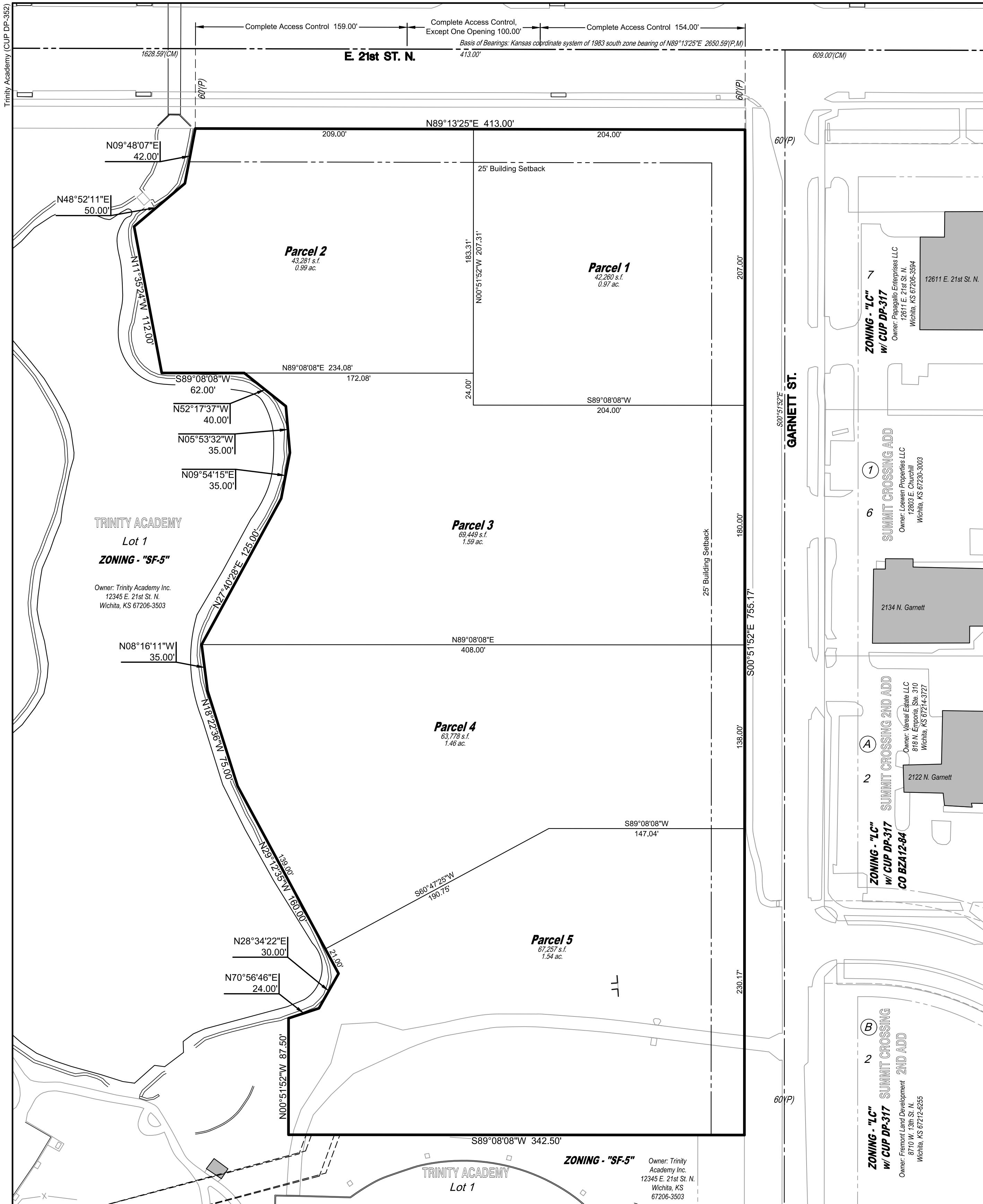
*The developer/owners shall be responsible for allocating the sign areas per the below frontage limitations.*

*Sign area square footages shall be defined by the tenant advertising area.*

*Development identification areas shall be excluded from the area calculation.*

- A. Temporary signs are permitted on all Parcels.
- B. Flashing signs, rotating or moving signs, signs with moving lights, signs which create the illusion of movement are not permitted; provided, however, electronic message signs are allowed on the north and east frontages.
- C. Portable, billboards, and off-site type signs are prohibited.
- D. Window display signs are limited to 20% of the window area.

- E. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area.
  - F. Accent lighting of monument and monument signs shall be permitted.
12. Transportation improvements and Parcel access shall be provided as follows:
- A. A cross-lot circulation agreement shall be required prior to the issuance of building permits.
  - B. Access controls are as shown and/or on the revised upon the C.U.P.
  - C. An overall site circulation plan shall be submitted for review and approval by the Director of Planning, in concurrence with the Zoning Administrator, Fire Chief/Marshal, and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP.
  - D. A plan for a pedestrian walk system shall be a requirement of the CUP. The walking system shall link proposed buildings with the entrances and sidewalks to 21st Street and/or Garnett Street shall be assured by required submission and approval of circulation plans by the Director of Planning prior to issuing building permits.
13. Title: The transfer of the title on all or any portion of the land included in the Community Unit Plan does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and amended. However, the Director of the MAPD, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
14. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
15. Any major changes within this Community Unit Plan shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations to the C.U.P. shall be done in accordance with the Unified Zoning Code.



# COMMUNITY UNIT PLAN DP-352

# TRINITY ACADEMY

OWNER / DEVELOPER: Trinity Academy Inc.,

12345 E. 21st St. North, Wichita, KS 67206-3503

316.262.6400

## DEVELOPMENT GUIDELINES

### General Provisions

- This development contains 6.56 acres, more or less.
- Parcel Descriptions:

Parcel 1 Gross Area = 0.97 Ac. or 42,260 Sq. Ft. Maximum Height = 45 feet Maximum Coverage = 25% or 10,565 Sq. Ft. Max. Gross Floor Area = 25%	Parcel 2 Gross Area = 0.99 Ac. or 43,281 Sq. Ft. Maximum Height = 45 feet Maximum Coverage = 30% or 12,984 Sq. Ft. Max. Gross Floor Area = 35% or 15,148 Sq. Ft.	Parcel 3 Gross Area = 1.59 Ac. or 69,449 Sq. Ft. Maximum Height = 45 feet Maximum Coverage = 30% or 20,835 Sq. Ft. Max. Gross Floor Area = 35% or 24,307 Sq. Ft.	Parcel 4 Gross Area = 1.46 Ac. or 63,778 sq. ft. Maximum Height = 45 feet Maximum Coverage = 30% or 19,133 Sq. Ft. Max. Gross Floor Area = 35% or 22,322 Sq. Ft.	Parcel 5 Gross Area = 1.54 Ac. or 67,257 sq. ft. Maximum Height = 45 feet Maximum Coverage = 30% or 20,177 Sq. Ft. Max. Gross Floor Area = 40% or 26,903 Sq. Ft.
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- Land Uses:

The following uses are permitted for Parcels within the CUP:

A. All allowed uses permitted by right within the LC Limited Commercial Zoning District with the following **EXCEPTIONS**:

No Parcels within this CUP shall allow:

Single Family Residential; Duplex; Group Residence, Limited and General; Cemetery; Correctional Placement Residence, Limited and General; Golf Course; Recycling Collection Station, Private and Public; Reverse Vending Machine; Animal Care, General; Marine Facility, Recreational; Monument Sales; Parking Area, Commercial; Night Club in the City; Tavern and Drinking Establishment; Pawn Shop; Recreational Vehicle Campground; Sexually Oriented Business in the City; Tattooing and Body Piercing Facility; Construction Sales and Service; Kennel - Hobby; Kennel - Boarding/Breeding/Training; Asphalt or Concrete Plant, Limited and General; Manufacturing, Limited and General; Mining or Quarrying; Rock Crushing; Solid Waste Incinerator; Agricultural Sales and Services.

B. Secondhand Store, as defined by the UZC, shall be permitted only as incidental and subordinate to the principal use.

C. The uses permitted by the CUP are only those uses permitted by right and not by conditional use unless specifically identified.

D. Parcel compatibility shall be managed by the developer with covenants, conditions, and restrictions.
- Architectural Controls: All buildings within the CUP shall share a uniform architectural character, color, and similar predominate exterior building material, as determined by the Director of Planning. The predominant exterior building materials shall be non-metal unless approved by the Director of Planning.
- Landscaping for this site shall be required as follows:

A. Landscaped street yards, buffers, and parking lot landscaping and screening shall be in accordance with the City of Wichita Landscape Ordinance.

B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above-referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Metropolitan Area Planning Department (MAPD) for its review and approval prior to issuance of any building permit(s).

C. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit if the required landscape has not been planted.

D. Failure to properly maintain the required landscaping shall be considered a violation of the CUP after the determination by the Director of Planning.
- Lighting:

A. Lighting shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV; as well as the provisions of the Wichita-Sedgwick County Airport Hazard Zoning Code, Section 28-08 of the Wichita Municipal Code, and the amendments thereto, provided, however, the following:

B. All Parcels shall share similar or consistent parking lot lighting elements (i.e. fixtures, poles and lamps and etc.), as approved by the Director of the MAPD.

C. All Parcels are allowed light poles up to 30 feet including the ground bases. This 30-foot height allowance shall be permitted within the north 100 feet of Parcels 1 and 2 were adjoining the existing place of worship land use and along the balance of Trinity property to the west.

D. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings is not permitted.
- Screening for this site shall be required as follows:

A. Rooftop mechanical equipment shall be screened from ground level view per Wichita-Sedgwick County Unified Zoning Code.

B. Trash receptacles, loading docks, and loading areas shall be appropriately screened to reasonably hide them from ground level view with fencing and/or landscaping.

C. Unless otherwise noted screening shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV, and Section III-C.2.b.

D. No screening walls are required on the subject property where abutting residential zoning classification due to the existing uses of places of worship and school and due to the compatibility of the use of this CUP.
- Building Setbacks are as shown hereon; 25 foot along 21st Street and Garnett Street frontages, if not shown they shall be as specified in Wichita-Sedgwick County Unified Zoning Code for the corresponding base zoning district property development standards or as specified below. If contiguous Parcels are developed under the same ownership, setbacks between such Parcels will not be required. If not contiguously owned the minimum side/rear setback shall be 10 feet.
- Parking: All Parcels, shall be in accordance with the Wichita-Sedgwick County Unified Zoning Code, Section IV-A, and amendments thereto unless otherwise specified.
- Utilities: No occupancy permits shall be issued for any development without services by municipal water and sewer services. All proposed new utilities shall be installed underground; unless it is prohibitive due to groundwater depth.
- Signs: Are as permitted under the current Sign Code of the City of Wichita for "LC" Limited Commercial Zoning District and amendments thereto. Additionally, the following conditions apply:

All tenant and development signs shall be either monument or pylon type signs.

21st Street Frontage - Three signs having a maximum height of 21 feet and having a total area not exceeding 344 square feet, minimum separation between signs shall be 130 feet.

Garnett Street Frontage - Five signs having a maximum height of 15 feet and having a total area not exceeding 378 square feet minimum separation between signs shall be 150 feet.

The developer/owners shall be responsible for allocating the sign areas per the below frontage limitations.

Sign area square footages shall be defined by the tenant advertising area.

Development identification areas shall be excluded from the area calculation.

A. Temporary signs are permitted on all Parcels.

B. Flashing signs, rotating or moving signs, signs with moving lights, signs which create the illusion of movement are not permitted; provided, however, electronic message signs are allowed on the north and east frontages.

C. Portable, billboards, and off-site type signs are prohibited.

D. Window display signs are limited to 20% of the window area.

E. Building signage shall be permitted within the CUP. Building signage shall be limited to 20% of the wall area.

F. Accent lighting of monument and monument signs shall be permitted.
- Transportation improvements and Parcel access shall be provided as follows:

A. A cross-lot circulation agreement shall be required prior to the issuance of building permits.

B. Access controls are as shown and/or on the revised upon the CUP

C. An overall site circulation plan shall be submitted for review and approval by the Director of Planning, in concurrence with the Zoning Administrator, Fire Chief/Marshal, and Traffic Engineer. The circulation plan shall assure smooth internal vehicular and pedestrian movements, pedestrian connectivity to major arterial and within buildings on the CUP.

D. A plan for a pedestrian walk system shall be a requirement of the CUP. The walking system shall link proposed buildings with the entrances and sidewalks to 21st Street and/or Garnett Street shall be assured by required submission and approval of circulation plans by the Director of Planning prior to issuing building permits.
- Title: The transfer of the title on all or any portion of the land included in the Community Unit Plan does not constitute a termination of the plan or any portion thereof; but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns and amended. However, the Director of the MAPD, with the concurrence of the Zoning Administrator, may approve minor adjustments to the conditions in this overlay, consistent with the approved development plan, without filing a formal ordinance amendment.
- The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
- Any major changes within this Community Unit Plan shall be submitted to the Planning Commission and the Governing Body for their consideration. Amendments, adjustments, or interpretations of the CUP shall be done in accordance with the Unified Zoning Code.

## LEGAL DESCRIPTION

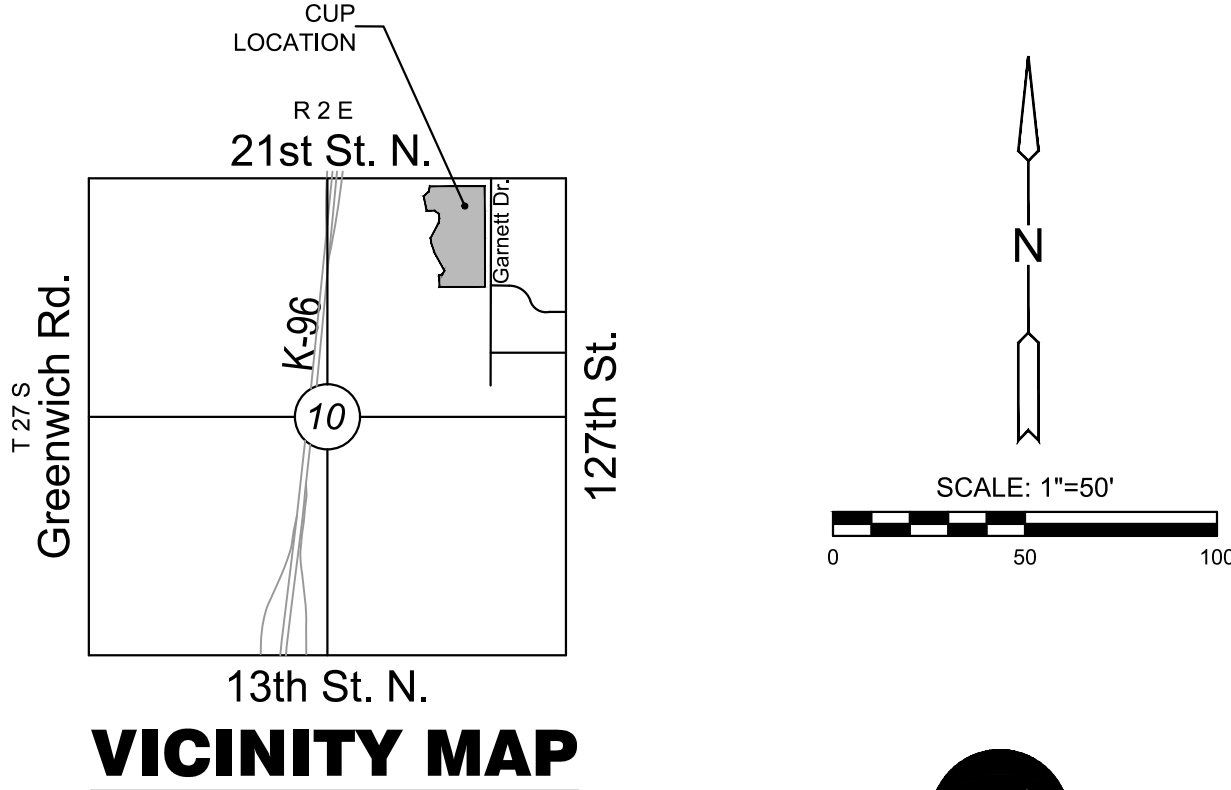
A tract of land lying in a portion of Lot 1, Trinity Academy, an addition to Sedgwick County, Kansas, being more particularly described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the east line of said Lot 1 on a Kansas coordinate system of 1983 south zone bearing of 00°51'52"E, 755.00 feet; thence S89°08'08"W, 342.50 feet; thence N00°51'52"W, 87.50 feet; thence N71°27'32"E, 24.00 feet; thence N28°25'40"E, 30.00 feet; thence N29°12'35"W, 160.00 feet; thence N18°22'36"W, 75.00 feet; thence N08°16'11"W, 35.00 feet; thence N27°40'28"E, 125.00 feet; thence N09°54'15"E, 35.00 feet; thence N05°53'32"W, 35.00 feet; thence N52°17'37"W, 40.00 feet; thence S89°08'08"W, 62.00 feet; thence N11°35'24"W, 112.00 feet; thence N48°52'11"E, 50.00 feet; thence N09°48'07"E, 42.00 feet to a point on the north line of said Lot 1; thence along said north line, N89°13'25"E, 413.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 285,968 square feet or 6.56 acres of land, more or less.

### CASE HISTORY

Orig. Case No. ZON2019-00048 CUP2019-00040



**WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION  
EXCERPT MINUTES OF DECEMBER 19, 2019**

- 4.9     ZON2019-00048 and CUP2019-00040**-City zone change from SF-5 Single-Family Residential to LC Limited Commercial and Community Unit Plan (CUP2019-00040) on property generally located on the south side of East 21<sup>st</sup> Street North and 600 feet west of North 127<sup>th</sup> Street East, and described as:

TH PT LOT 1 BEG NE COR TH S 678.3 FT W 581.5 FT N TO N LI SAID LOT E 582.41 FT TO BEG TRINITY ACADEMY ADDITION

PT LOT 1 BEG 1210 FT S NW COR E 450 FT S 572 FT E 400 FT TO POB TH E 329.98 FT TO E LI LOT 1 N 1112 FT W 581.5 FT S 540 FT E 250 FT S 572 FT TO BEG TRINITY ACADEMY ADDITION

**BACKGROUND:** The applicant has submitted a request to rezone approximately 6.56 acres zoned SF-5 Single-Family Residential (SF-5) located south of East 21<sup>st</sup> Street North and west of North 127<sup>th</sup> Street East. The subject property is part of the larger Trinity Academy property at this location, mostly located west and south of the subject property. The application concerns the rezoning of the property from SF-5 Single-Family Residential (SF-5) to LC Limited Commercial (LC) and the establishment of a Community Unit Plan (CUP) DP-352 for the Trinity Academy CUP. A separate application for the platting of this property is also being considered, to be known as the Trinity Academy 3<sup>rd</sup> Addition. The lot layout for the final plat matches the parcel layout in the CUP.

The applicant and agent indicated at the time of application the intention was to provide parcels to develop commercially, with the hope some of the commercial ventures would utilize students of Trinity Academy for apprenticeships and other training opportunities with those business ventures. It was anticipated Parcel 1 would be occupied by a financial institution and that there would be a mixed-use facility constructed on Parcel 5 with support for the sports facility south of the subject property on the lower floor and commercial space on the upper floor of the proposed building.

This land also falls into Zone “C” of the Airport Hazard Zone Map applicable to the Colonel James Jabara Airport. The height restrictions for all structures on Zone “A” properties are 150 feet, subject to provisions outlined in the Airport Hazard Zoning Regulations found in Section 28-08 of the Wichita Municipal Code and Sedgwick County Resolution No. 277-1995. The language proposed in the CUP will address the manner in which structures higher than 150 feet will be addressed through the building permit process.

The proposed CUP contains 5 parcels. Parcel size ranges from 0.94 acres to 1.59 acres. All parcels are proposed to be zoned LC, and are to permit all uses permitted by-right by the LC zoning district, except for a list of specifically prohibited uses as outlined in the General Provisions of the CUP. There are modifications recommended within the General Provisions as outlined below.

The surrounding area is dominated by SF-5 Single-Family Residential zoning (SF-5) to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21<sup>st</sup> Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC Limited Commercial (LC) which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.

**CASE HISTORY:** The subject property was included in the Trinity Academy Addition, which was recorded with the Sedgwick County Register of Deeds August 20, 1999. As noted above, the subject property is presently being platted as Trinity Academy 3<sup>rd</sup> Addition (SUB2019-00055).

**ADJACENT ZONING AND LAND USE:**

North: SF-5: church  
South: SF-5: Trinity Academy campus  
East: LC: bank, medical offices  
West: SF-5: Trinity Academy campus

**PUBLIC SERVICES:** The public utilities are either in place to the subject property, or will be extended as addressed in the platting process. East 21<sup>st</sup> Street North is paved, 5-lane arterial with 4 travel lanes and a center turn lane. North Garnett Street is a paved, 2-lane street not to current city standards. Guarantees to improve North Garnett Street to city standards as determined by traffic analysis shall be addressed at the time of platting, including a potential traffic study if needed.

**CONFORMANCE TO PLANS/POLICIES:** The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential and employment mix” and is outside Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature.

*Community Investments Plan* discusses **Location Guidelines** in section 3 of the Future Land Use Policies. In the subsection titled **Development Pattern**, guideline 1.a. states “development should occur where necessary supporting infrastructure and services exist or are planned for extension concurrently with development. Guideline 3.c. states “small, neighborhood-serving retail and offices uses and high-density residential uses not located at arterial intersections should be limited to the intersection of an arterial and a collector street. Guideline 3.e. states “new development areas be separated from existing developed areas by major barriers (such as: highways, railroads, waterways, and airports) or by significant open space or undeveloped areas should be discouraged unless the scale of the development is sufficient to support the cost of extending infrastructure and services in a manner that supports additional development on surrounding sites.”

In the subsection titled **Design**, guideline 1.a. states “Commercial centers, office parks, and mixed-use developments should be designed with shared internal vehicular and pedestrian circulation, combined signage, coordinated landscaping and building design, and combined ingress/egress locations.” Guideline 1.b. states “Ingress/egress locations to non-residential uses generally should not access residential streets unless such access will not negatively impact nearby residential areas, except that industrial traffic should not feed directly into local streets in residential areas.” Guideline 1.g. states “Building entrances should be oriented to the street or internal circulation drives that connect to the street and designated pedestrian connections should be provided from building entrances to the street.”

The overall spirt and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

**RECOMMENDATION:** Based upon the information available at the time the staff report was prepared it is recommended that the request be **APPROVED**, subject to the following conditions:

1. General provision #1 needs to include the overall site size in square feet in addition to acres.

2. General Provision #7 needs to be clarified as to whether the screening will be as required by Sec. IV (standard screening) or Sec. III-C.2.b. (masonry wall requirement). The present language is conflicting.
3. General provision #11 needs to be modified to require monument signs only, and to indicate that no sign on 21<sup>st</sup> is permitted to be larger than 200 square feet and no sign on Garnett is permitted to be larger than 120 square feet.
4. The site shall be developed in substantial conformance with the revised development guidelines and general provisions of the approved CUP, including the required improvements to Garnett Street and water service addressed in the platting process.
5. The applicant shall record a CUP certificate with the Register of Deeds indicating that this tract (referenced as DP-352 Trinity Academy CUP) has special conditions for development on the property. A copy of the recorded certificate along with four copies of the approved CUP shall be submitted to the Metropolitan Area Planning Department within 60 days of final approval to the Metropolitan Area Planning Department or the amendment shall be deemed null and void.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** The surrounding area is dominated by SF-5 Single-Family Residential zoning (SF-5) to the north, south and west and is used to the south and west as part of the Trinity Academy campus. North of the subject property is Church of the Magdalen, owned by the Catholic Diocese and on land zoned SF5. There is another church further to the west on the north side of East 21<sup>st</sup> Street North, which is also zoned SF-5. East of the subject property across Garnett Street is property zoned LC Limited Commercial (LC) which is included in the Summit Crossing Community Unit Plan and occupied by a bank and medical offices.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is being redeveloped and this amendment supports that effort.
3. **Extent to which removal of the restrictions will detrimentally effect nearby property:** The conditions of approval of the proposed CUP should mitigate detrimental impact on nearby property.
4. **Length of time the property has been vacant as currently zoned:** The subject property is being developed at this time.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Approval of the request will permit the further development of the property. Denial would presumably represent a loss of economic opportunity to the applicant and/or land owner.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The 2035 Wichita Future Growth Concept map indicates the site is appropriate for “residential and employment mix” and is outside Wichita’s 2035 Established Central area. The residential/employment mix encompasses areas of land that will likely be developed or redeveloped by 2035 with uses predominately of a mixed nature. The overall spirit and intent of this CUP appears to be in conformance with the above stated policies and guidelines of the adopted Plans for the City of Wichita.

7. **Impact of the proposed development on community facilities:** The proposed use will have no detrimental impact on community facilities. The platting procedures will address the needed improvements to Garnett Street.

**MOTION:** To approve subject to staff recommendation.

**GREENE** moved, **BLICK** seconded the motion, and it carried (11-0).



PUBLISHED IN THE WICHITA EAGLE ON January 31, 2020

ORDINANCE NO. 51-181

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2019-00048**

City zone change from SF-5 Single-Family Residential to LC Limited Commercial and described as follows:

A tract of land lying in a portion of Lot 1, Trinity Academy Addition to Wichita, Kansas, Sedgwick County, Kansas, being more particularly described as follows:

BEGINNING at the Northeast Corner of said Lot 1; thence along the east line of said Lot 1 on a Kansas coordinate system of 1983 south zone bearing of S00°51'52"E, 755.00 feet; thence S89°08'08"W, 342.50 feet; thence N00°51'52"W, 87.50 feet; thence N71°27'32"E, 24.00 feet; thence N28°25'40"E, 30.00 feet; thence N29°12'35"W, 160.00 feet; thence N18°22'36"W, 75.00 feet; thence N08°16'11"W, 35.00 feet; thence N27°40'28"E, 125.00 feet; thence N09°54'15"E, 35.00 feet; thence N05°53'32"W, 35.00 feet; thence N52°17'37"W, 40.00 feet; thence S89°08'08"W, 62.00 feet; thence N11°35'24"W, 112.00 feet; thence N48°52'11"E, 50.00 feet; thence N09°48'07"E, 42.00 feet to a point on the north line of said Lot 1; thence along said north line, N89°13'25"E, 413.00 feet to the POINT OF BEGINNING.

Said tract CONTAINS: 285,968 square feet or 6.56 acres of land, more or less.

(Generally located on the south side of East 21<sup>st</sup> Street North and west of North 127<sup>th</sup> Street East).

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 28th day of January, 2020.

\_\_\_\_\_  
Brandon J. Whipple, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form: \_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law